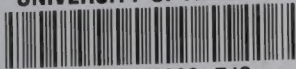


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CANADA POST OFFICE.

RETURNS to an Address to HIS MAJESTY, dated 6th Feb. 1833;—for,

— (1.) —

A RETURN of the ESTABLISHMENT of the GENERAL POST-OFFICE in *Upper* and *Lower Canada*, and in each of the other Colonies in *North America*, stating the Number of Postmasters and Deputy Postmasters in each Province, the amount of Salary, Allowances and Emoluments, and the Name of each Person receiving more than 50*l.* sterling in Salary, Allowances and Fees, with the Amount of such Income in each Year, and from what Sources derived; distinguishing also whether Resident and performing the Duties of the Office in Person, or by Deputy, and if by Deputy, what Salary and Allowances are paid to each such Deputy; stating also whether those Persons hold any other Office, and what Office, of Emolument, in those Provinces, and by whom these Officers are appointed; also the whole Expense of the Establishment at each Place, distinguishing the Amount of Salaries above and the Amount under 50*l.*, the Expense of conveying the Mails, and all contingent Expenses, during each of the Years 1827, 1828, 1829, 1830, 1831.

— (2.) —

A RETURN of the Gross Amount of POSTAGE in *Upper* and *Lower Canada*, and in each of the other Colonies in *North America*, distinguishing each, during each of the Years 1827, 1828, 1829, 1830 and 1831; distinguishing also the Amount of Newspaper and Pamphlet Postage Charge from the Amount of Letter Postage received at each Office, and showing in what Manner the Proceeds have been applied under the several Heads.

— (3.) —

STATEMENT showing the Gross AMOUNT of NEWSPAPER POSTAGE paid by each Printer or Proprietor of Newspapers in the *Canadas*, and other Colonies in *North America*, in each of the Years 1827, 1828, 1829, 1830 and 1831, showing in what Manner and to Whom the Proceeds have been appropriated.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,

10 July 1833.

CANADA POST OFFICE.

(1.) —

A RETURN of the ESTABLISHMENT of the GENERAL POST-OFFICE in *Upper and Lower Canada*, and in each of the other Colonies in *North America*; stating the Number of Postmasters and Deputy Postmasters in each Province, the Amount of Salary, Allowances and Emoluments, and the Name of each Person receiving more than 50*l.* sterling, in Salary, Allowances and Fees, with the Amount of such Income in each Year, and from what Sources derived; distinguishing also whether Resident and performing the Duties of the Office in Person, or by Deputy, and if by Deputy, what Salary and Allowances are paid to each such Deputy; stating also whether those Persons hold any other Office, and what Office, of Emolument, in those Provinces, and by whom these Officers are appointed; also the whole Expense of the Establishment at each Place, distinguishing the Amount of Salaries above and the Amount under 50*l.*, the Expense of conveying the Mails, and all contingent Expenses, during each of the Years 1827, 1828, 1829, 1830, 1831.

Number of Postmasters.	NAME OF PERSON receiving £.50 sterling and upwards in Salary, &c. &c.	By whom appointed.
1827.		
Lower Canada, 42.	D. Sutherland, Deputy Postmaster-general, British North America: Salary £.500 - - Allowance for clerks - 200 - - Ditto for stationery - 30 - -	Sterling. £. s. d. 730 - - Postm ^r -gen ^l .
	F. Belanger, Postmaster, Quebec - - - Salary - T. A. Stayner, Assistant in the Quebec Establishment - - - - - Salary -	
	John Bignell, Postmaster, Three Rivers Salary - - - - - £.50 - - Allowance for stationery, &c. 5 - -	55 - - Deputy Postmaster- general of British North America.
	J. Williams, Postmaster, Montreal: Salary - - - - - 300 - - Allowance for assistance - 150 - -	
	The remaining 39 Postmasters receive as salary a commission of 20 per cent. on the net postage collected by them, to which is added their allowance for stationery, amounting to - - - - -	
	John Macaulay, Postmaster, Kingston: Salary - - - - - £.130 - - Allowance for stationery, &c. 18 - -	
	William Allan, Postmaster, York: Salary 150 - - Allowance for stationery, &c. 18 - -	148 - - Deputy Postmaster- general of British North America.
	J. Crooks, Postmaster, Niagara: Salary 53 - - Allowance for stationery, &c. 1 - -	
	J. Wilson, Postmaster, Amherstberg: Salary - - - - - 91 2 1 Allowance for stationery, &c. 9 - -	
	The remaining 57 Postmasters receive as salary a commission of 20 per cent. on the net postage collected by them, to which is added their allowance for stationery, amounting to - - - - -	
Upper Canada, 61.		304 6 5 168 - - 54 - - 100 2 1 546 16 2

IN UPPER AND LOWER CANADA, AND OTHER COLONIES IN NORTH AMERICA. 3

Number of Postmasters.	NAME OF PERSON receiving £ 50 sterling and upwards in Salary, &c. &c.	By whom appointed.
	1827— <i>continued</i> .	
	The expense incurred for the transport of the Mails in Upper and Lower Canada (it not being practicable to state what proportion should be charged to each province) amounts to - - - - -	Sterling. £. s. d. 4,940 - -
	The amount of contingent expenses, including, viz. advertising, printing work, mail-bags, allowance to letter-carriers, travelling and law charges, &c. for Upper and Lower Canada (it not being practicable to state what proportion should be charged to each province) amounts to - - - - -	419 11 -

The above persons are all resident, and perform the duties of their offices in person. I am unable to state what other places of emolument may be held by my deputies.

Remarks.—The Deputy Postmaster-general derives an emolument from the transport of newspapers and pamphlets through the Post. Out of his aggregate income he pays the salaries of his clerks and the expenses of his office, and is responsible for the whole of the revenue collected in the provinces.

	1828.		
	T. A. Stayner, Deputy Postmaster-general, British North America:	Sterling. £. s. d.	
	Salary - - - £. 500 - -		
	Allowance for clerks - - 200 - -		
	Ditto for stationery - - 30 - -		
		730 - -	Postm'-genl.
	John Bignell, Postmaster, Quebec - Salary -	225 - -	
	William Harvey, Assistant in the Quebec Establishment - - - Salary -	90 - -	
	D. Chisholme, Postmaster, Three Rivers:		
	Salary - - - 50 - -		
	Allowance for stationery, &c. 5 - -		
		55 - -	Deputy Postmaster- general of British North America.
	Andrew Porteous, Postmaster, Montreal:		
	Salary - - - 300 - -		
	Allowance for assistance - 150 - -		
		450 - -	
	Ruggles Wright, Postmaster, Hull - Salary -	56 1 1	
	The remaining 47 Postmasters receive as salary a commission of 20 per cent. on the net postage collected by them to which is added their allowance for stationery, amounting to - - - - -	272 7 10	
	John Macaulay, Postmaster, Kingston:		
	Salary - - - 130 - -		
	Allowance for stationery, &c. 18 - -		
		148 - -	
	William Allan, Postmaster, York: Salary 150 - -		
	Allowance for stationery, &c. 18 - -		
		168 - -	
	J. Crooks, Postmaster, Niagara: Salary 54 15 -		
	Allowance for stationery, &c. 1 - -		
		55 15 -	Deputy Postmaster- general of British North America.
	J. Wilson, Postmaster, Amherstburg:		
	Salary - - - 85 6 5		
	Allowance for stationery, &c. 9 - -		
		94 6 5	
	The remaining 58 Postmasters receive as salary a commission of 20 per cent. on the net postage collected by them, to which is added their allowance for stationery, amounting to - - - - -	599 4 11	
	The expense incurred for the transport of the Mails in Upper and Lower Canada (it not being practicable to state what proportion should be charged to each province) amounts to - - - - -	5,037 2 3	
	The amount for contingent expenses, including, viz. advertising, printing work, mail-bags, allowance to letter-carriers, travelling and law charges &c. for Upper and Lower Canada, (it not being practicable to state what proportion should be charged to each province,) amounts to - - - - -	848 6 9	

(continued)

4 RETURN OF THE ESTABLISHMENT OF THE GENERAL POST-OFFICE.

Number of Postmasters.	NAME OF PERSON receiving £. 50 sterling and upwards in Salary, &c. &c.		By whom appointed.
	1829.	Sterling. £. s. d.	
Lower Canada, 55.	T. A. Stayner, Deputy Postmaster-general, British North America : Salary - - - - £. 500 - - Allowance for clerks - - - 200 - - Ditto for stationery - - - 30 - -	730 - -	Postm ^r -gen ^l .
	John Bignell, Postmaster, Quebec - - Salary -	225 - -	
	William Harvey, Assistant in the Quebec Establishment - - - - Salary -	90 - -	
	D. Chisholme, Postmaster, Three Rivers : Salary - - - - £. 50 - - Allowance for stationery, &c. 7 4 -	57 4 -	Deputy Postmaster- general of British North America.
	Andrew Porteous, Postmaster, Montreal : Salary - - - - 300 - - Allowance for assistance - 150 - -	450 - -	
	The remaining 52 Postmasters receive as salary a commission of 20 per cent. on the net postage collected by them, to which is added their allowance for stationery, amounting to - - - -	354 14 7	
	John Macaulay, Postmaster, Kingston : Salary - - - - £. 130 - - Allowance for stationery, &c. 18 - -	148 - -	
	J. S. Howard, Postmaster, York : Salary 150 - - Allowance for stationery, &c. 24 15 -	174 15 -	
	John Crooks, Postmaster, Niagara : Salary 68 9 6 Allowance for stationery, &c. 3 12 -	72 1 6	
	John Wilson, Postmaster, Amherstburg : Salary - - - - 77 6 10 Allowance for stationery, &c. 9 - -	86 6 10	Deputy Postmaster- general of British North America.
Upper Canada, 75.	Henry Jones, Postmaster, Brockville : Salary - - - - 47 16 2 Allowance for stationery, &c. 3 12 -	51 8 2	
	Josias Taylor, Postmaster, Perth : Salary 46 17 6 Allowance for stationery, &c. 4 1 -	50 18 6	
	The remaining 69 Postmasters receive as salary a commission of 20 per cent. on the net postage collected by them, to which is added their allowance for stationery, amounting to - - - -	662 4 2	
	The expense incurred for the transport of the Mails in Upper and Lower Canada (it not being practicable to state what proportion should be charged to each province) amounts to - - - -	5,260 10 -	
	The amount for contingent expenses, including, viz. advertising, printing work, mail bags, allowance to letter-carriers, travelling and law charges, &c. for Upper and Lower Canada (it not being practicable to state what proportion should be charged to each province), amounts to - - - -	599 6 6	

IN UPPER AND LOWER CANADA, AND OTHER COLONIES IN NORTH AMERICA. 5

Number of Postmasters.	NAME OF PERSON receiving £. 50 sterling and upwards in Salary, &c. &c.	By whom appointed.
	1830.	Sterling. £. s. d.
Lower Canada, 61.	T. A. Stayner, Deputy Postmaster-general, British North America: Salary £. 500 - - Allowance for clerks - - 200 - - Ditto for stationery - - 30 - -	Postm ^r -gen ^l .
	John Bignell, Postmaster, Quebec - Salary -	
	Wm. Harvey, Assistant in the Quebec Establishment - - - - Salary -	
	D. Chisholme, Postmaster, Three Rivers: Salary - - - - 50 - - Allowance for stationery, &c. 5 - -	Deputy Postmaster- general of British North America.
	Andrew Porteous, Postmaster, Montreal: Salary - - - - 300 - - Allowance for assistance, &c. 150 - -	
	The remaining 58 Postmasters receive as salary a commission of 20 per cent. on the net postage col- lected by them, to which is added their allowance for stationery, amounting to - - - - -	
	John Macaulay, Postmaster, Kingston: Salary - - - - £. 130 - - Allowance for stationery, &c. 18 - -	
	J. S. Howard, Postmaster, York: Salary 150 - - Allowance for stationery, &c. 27 - -	
	John Crooks, Postmaster, Niagara: Salary 72 18 9 Allowance for stationery, &c. 5 8 -	
	John Wilson, Postmaster, Amherstburg: Salary - - - - 97 17 9 Allowance for stationery, &c. 9. - -	
Upper Canada, 91.	Henry Jones, Postmaster, Brockville: Salary - - - - 48 3 7 Allowance for stationery, &c. 3 12 -	Deputy Postmaster- general of British North America.
	John Taylor, Postmaster, Perth: Salary 48 9 8 Allowance for stationery, &c. 5 8 -	
	M. Connel, Postmaster, Bytown: Salary 88 15 9 Allowance for stationery, &c. 2 14 -	
	The remaining 84 Postmasters receive as salary a commission of 20 per cent. on the net postage col- lected by them, to which is added their allowance for stationery, amounting to - - - - -	
	The expense incurred for the transport of the Mails in Upper and Lower Canada (it not being practicable to state what proportion should be charged to each province) amounts to - - - -	
	The Amount for contingent expenses, including, viz. advertising, printing work, mail bags, allowance to letter-carriers, travelling and law charges, &c. for Upper and Lower Canada (it not being practicable to state what proportion should be charged to each province) amounts to - - - - -	

6 RETURN OF THE ESTABLISHMENT OF THE GENERAL POST-OFFICE

Number of Postmasters.	NAME OF PERSON receiving £.50 sterling and upwards in Salary, &c. &c.	By whom appointed:
	1831.	Sterling. £. s. d.
Lower Canada, 76.	T. A. Stayner, Deputy Postmaster-general, British North America: Salary £.500 - - Allowance for clerks - - 200 - - Ditto for stationery - - 30 - -	730 - - Postm ^r -gen ^l .
	John Bignell, Postmaster, Quebec - Salary - Wm. Harvey, Assistant in the Quebec Establishment - - - - Salary -	225 - - 90 - -
	D. Chisholme, Postmaster, Three Rivers: Salary - - - - 50 - - Allowance for stationery, &c. 7 4 -	57 4 - Deputy Postmaster- general of British North America.
	Andrew Porteous, Postmaster, Montreal: Salary - - - - 300 - - Allowance for assistance - 150 - -	450 - -
	The remaining 73 Postmasters receive as salary a commission of 20 per cent. on the net postage collected by them, to which is added their allowance for stationery, amounting to - - - -	445 15 10
	John Macaulay, Postmaster, Kingston: Salary - - - - £. 130 - - Allowance for assistance - 40 10 - Ditto for stationery, &c. - 18 - -	188 10 -
	J. S. Howard, Postmaster, York: Salary 150 - - Allowance for assistance - 50 12 6 Ditto for stationery, &c. - 27 - -	227 12 6
	John Crooks, Postmaster, Niagara: Salary 73 5 1 Allowances for stationery, &c. 7 4 -	80 9 11
	Chas. Berczy, Postmaster, Amherstburg: Salary - - - - 88 14 6 Allowance for stationery, &c. 9 - -	97 14 6
	Henry Jones, Postmaster, Brockville: Salary - - - - 57 4 - Allowance for stationery, &c. 3 12 -	60 16 -
Upper Canada, 101.	Josias Taylor, Postmaster, Perth: Salary 53 18 10 Allowance for stationery, &c. 5 8 -	59 6 10
	Alpheus Jones, Postmaster, Prescott: Salary - - - - 61 5 - Allowance for stationery, &c. 4 10 -	65 15 -
	M. Connel, Postmaster, Bytown: Salary 100 15 2 Allowance for stationery, &c. 2 14 -	103 9 2
	The remaining 93 Postmasters receive as salary a commission of 20/ per cent. on the net postage collected by them, to which is added their allowance for stationery, amounting to - - - -	976 2 2
	The expense incurred for the transport of the Mails in Upper and Lower Canada (it not being practicable to state what proportion should be charged to each province) amounts to - - - -	6,474 14 11

IN UPPER AND LOWER CANADA, AND OTHER COLONIES IN NORTH AMERICA. 7

Number of Postmasters.	NAME OF PERSON receiving £.50 sterling and upwards in Salary, &c. &c.	By whom appointed.
1831—continued.		
The amount for contingent expenses, including, viz. advertising, printing work, mail-bags, allowance to letter-carriers, travelling and law charges, &c. for Upper and Lower Canada, (it not being practicable to state what proportion should be charged to each province) amounts to - - - - -		Sterling. £. s. d. 962 18 11
T. A. Stayner, Deputy Postmaster-general.		

A Similar RETURN of the Establishment of the GENERAL POST-OFFICE in Nova Scotia.

Number of Postmasters.	NAME OF PERSON receiving £.50 sterling and upwards in Salary, &c. &c.	By whom appointed.
1827.		
20	John Howe, jun., Postmaster, Halifax :	Sterling. £. s. d. 340 8 2 Postm ^r -gen ^l . Deputy Postmaster- general.
	Salary - - - £. 220 - -	
	Allowance for assistance - 70 8 2	
	Rent of office, stationery, &c. 50 - -	
	A. P. Ross, Postmaster, Pictou - - Salary -	
	James Cail, Postmaster, Miramichi - Salary -	
	The remaining 17 Postmasters receive as salary a commission of 20 per cent. on the net postage col- lected by them, amounting to - - - -	
	The expense incurred in the transport of the Mails amounts to - - - - -	
	The expense of printing - - - - -	

Remarks.—The Deputy Postmaster-general at Halifax derives an emolument from the transport of newspapers and pamphlets through the Post. Out of his aggregate income he pays the salaries of his clerks, and the expenses of his office, and is responsible for the whole revenue collected in Nova Scotia and New Brunswick.

	1828.			Sterling.			
	John Howe, jun., Postmaster, Halifax :			£.	s.	d.	
	Salary - - - -	£. 220	- -				
	Allowance for assistance -	70	8 2				
	Rent of office, stationery, &c.	50	- -				
20				340	8	2	Postm -gen ^l .
	A. P. Ross, Postmaster, Pictou -	Salary -		60	-	-	Deputy Postmaster- general.
	James Cail, Postmaster, Miramichi -	Salary -		65	-	-	
	The remainin 17 Postmasters receive as salary a commission of 20 per cent. on the net postage col- lected by them, amounting to - - - -			284	-	-	
	The expense incurred in the transport of the Mails amounts to - - - -			1,126	-	-	
	The expense of printing - - - -			70	-	-	
	1829.						
	John Howe, jun., Postmaster, Halifax :						
	Salary - - - -	£. 220	- -				
	Allowance for assistance -	70	8 2				
	Rent of office, stationery, &c.	50	- -				
21				340	8	2	Postm ^r -gen ^l .
	A. P. Ross, Postmaster, Pictou -	Salary -		60	-	-	Deputy Postmaster- general.
	James Cail, Postmaster, Miramichi -	Salary -		65	-	-	
	The remaining 18 Postmasters receive as salary a commission of 20 per cent. on the net postage collected by them, amounting to - - - -			294	-	-	
	The expense incurred in the transport of the Mails amounts to - - - -			1,130	-	-	
	The expense of printing - - - -			100	-	-	

8 RETURN OF THE ESTABLISHMENT OF THE GENERAL POST-OFFICE.

Number of Postmasters.	NAME OF PERSON receiving £.50 sterling and upwards in Salary, &c. &c.	By whom appointed.
21	1830. John Howe, jun., Postmaster, Halifax : Salary - - - £.220 - - Allowance for assistance - 70 8 2 Rent of office, stationery, &c. 50 - -	Sterling. £. s. d. 340 8 2 Postm ^r -gen ^l .
	A. P. Ross, Postmaster, Pictou - Salary -	60 - -
	James Cail, Postmaster Miramichi - Salary -	65 - -
	The remaining 18 Postmasters receive as salary a commission of 20 per cent. on the net postage collected by them, amounting to - - -	318 - -
	The expense incurred in the transport of Mails amounts to - - -	1,130 - -
	Expense of printing - - -	100 - -
	1831. John Howe, jun., Postmaster, Halifax : Salary - - - £.220 - - Allowance for assistance - 70 8 2 Rent of office, stationery, &c. 50 - -	340 8 2 Postm ^r -gen ^l .
	A. P. Ross, Postmaster, Pictou - Salary -	60 - -
	James Cail, Postmaster, Miramichi - Salary -	65 - -
	The remaining 18 Postmasters receive as salary a commission of 20 per cent. on the net postage collected by them, amounting to - - -	318 - -
	The expense incurred in the transport of Mails amounts to - - -	1,130 - -
	The expense of printing - - -	100 - -
21	1831. John Howe, jun., Postmaster, Halifax : Salary - - - £.220 - - Allowance for assistance - 70 8 2 Rent of office, stationery, &c. 50 - -	340 8 2 Postm ^r -gen ^l .
	A. P. Ross, Postmaster, Pictou - Salary -	60 - -
	James Cail, Postmaster, Miramichi - Salary -	65 - -
	The remaining 18 Postmasters receive as salary a commission of 20 per cent. on the net postage collected by them, amounting to - - -	318 - -
	The expense incurred in the transport of Mails amounts to - - -	1,130 - -
	The expense of printing - - -	100 - -
	1831. John Howe, jun., Postmaster, Halifax : Salary - - - £.220 - - Allowance for assistance - 70 8 2 Rent of office, stationery, &c. 50 - -	340 8 2 Postm ^r -gen ^l .
	A. P. Ross, Postmaster, Pictou - Salary -	60 - -
	James Cail, Postmaster, Miramichi - Salary -	65 - -
	The remaining 18 Postmasters receive as salary a commission of 20 per cent. on the net postage collected by them, amounting to - - -	318 - -
	The expense incurred in the transport of Mails amounts to - - -	1,130 - -
	The expense of printing - - -	100 - -

A Similar RETURN of the Establishment of the GENERAL POST-OFFICE in *New Brunswick*.

Number of Postmasters.	NAME OF PERSON receiving £.50 sterling and upwards in Salary, &c. &c.	By whom appointed.
7	1829. Charles Drury, Postmaster, St. John : Salary - - - £.250 - - Allowance for stationery, &c. 25 - -	Sterling. £. s. d. 275 - - Deputy Postmaster- general.
	W. B. Phair, Postmaster, Fredericton : Salary - - - 110 - - Allowance for stationery, &c. 16 - -	126 - -
	The remaining five Postmasters receive as salary a commission of 20 per cent. on the net postage collected by them, amounting to - - -	48 - -
	The expense incurred in the transport of the Mails amounts to - - -	750 - -
	The expense of printing - - -	30 - -
	1830. Charles Drury, Postmaster, St. John : Salary - - - £.240 - - Allowance for stationery, &c. 25 - -	265 - -
	W. B. Phair, Postmaster, Fredericton : Salary - - - 100 - - Allowance for stationery, &c. 16 - -	116 - -
	The remaining five Postmasters receive as salary a commission of 20 per cent. on the net postage collected by them, amounting to - - -	38 - -
	The expense incurred in the transport of the Mails amounts to - - -	750 - -
	The expense of printing - - -	30 - -

Number of Postmasters.	NAME OF PERSON receiving £. 50 sterling and upwards in Salary, &c. &c.	By whom appointed.
	1831.	
	Charles Drury, Postmaster, St. John ;	Sterling. £. s. d.
	Salary - - - - £. 260 - -	
	Allowance for stationery, &c. 25 - -	
		285 - -
8	W. B. Phair, Postmaster, Fredericton :	
	Salary - - - - £. 112 - -	
	Allowance for stationery, &c. 16 - -	
		128 - -
	The remaining six Postmasters receive as salary a commission of 20 per cent. on the net postage collected by them, amounting to - - - -	70 - -
	The expense incurred in the transport of the Mails amounts to - - - -	750 - -
	The expense of printing - - - -	30 - -
	Post-office Establishment in <i>Prince Edward's Island</i> .	
1	R. Chappell, Postmaster, Charlot Town, 1828, Salary	60 - -
	Ditto - ditto - ditto - 1829 ditto	65 - -
	Ditto - ditto - ditto - 1830 ditto	67 - -
	Ditto - ditto - ditto - 1831 ditto	70 - -
	The expense incurred in the transport of the Mails amounts to - - - -	250 - -
		Deputy Postmaster- general.

Fran^s Freeling, Secretary.

—(2.)—

A RETURN of the Gross Amount of POSTAGE in *Upper and Lower Canada*, distinguishing each, during each of the Years 1827, 1828, 1829, 1830 and 1831; distinguishing also the Amount of Newspaper and Pamphlet Postage Charge from the Amount of Letter Postage received at each Office, and showing in what Manner the Proceeds have been applied under the several Heads.

	1827.			1828.			1829.			1830.			1831.		
	Letter Postage.		Newspaper, &c. Postage.	Letter Postage.		Newspaper, &c. Postage.	Letter Postage.		Newspaper, &c. Postage.	Letter Postage.		Newspaper, &c. Postage.	Letter Postage.		Newspaper, &c. Postage.
	£.	s. d.	£. s. d.	£.	s. d.	£. s. d.	£.	s. d.	£. s. d.	£.	s. d.	£. s. d.	£.	s. d.	£. s. d.
Upper Canada - - -	4,959	4 -	235 12 6	5,300	17 -	250 4 8	6,698	19 3	374 9 4	8,029	2 6	574 11 11	9,870	2 3	790 18 9
Lower Canada - - -	8,627	13 1	368 7 2	8,834	17 4	397 13 7	9,022	17 4	444 4 4	9,900	16 1	516 11 7	10,494	19 1	566 15 11

The Letter Postage includes the British and Sea Postage, as well as the internal rates in the provinces. The net proceeds, after defraying the expenses of the establishment in the provinces and the conveyance of the Mails, &c. is remitted to the General Post-office, London. The sums received for the transmission of newspapers and pamphlets by Post, have, ever since the establishment of the Post-office in British North America, been the emolument of the Deputy Postmaster-general, out of which he allows to his sub-deputies a commission, for collecting, of from 10 to 20. per cent, which allowance is in addition to their salaries or commission as Postmasters. For 1827 and part of 1828, materials cannot be found for making up a perfect statement of the sums received for the transmission of newspapers &c., but the above is the most correct return that can be made.

T. A. Stayer.

A similar RETURN as regards *Nova Scotia and New Brunswick.*

	1827.			1828.			1829.			1830.			1831.		
	Letter Postage.		Newspaper, &c. Postage.	Letter Postage.		Newspaper, &c. Postage.	Letter Postage.		Newspaper, &c. Postage.	Letter Postage.		Newspaper, &c. Postage.	Letter Postage.		Newspaper, &c. Postage.
	£.	s. d.	£. s. d.	£.	s. d.	£. s. d.	£.	s. d.	£. s. d.	£.	s. d.	£. s. d.	£.	s. d.	£. s. d.
Nova Scotia and New Brunswick - - - }	3,766	12 9	50 - -	3,917	11 9	60 - -	* 7,743	- 4	200 - -	8,844	6 11	200 - -	9,099	13 7	200 - -

* The Posts in New Brunswick were placed under the management of the Deputy Postmaster-general, at Halifax, in this year.

The Letter Postage includes the British and Sea Postage as well as the internal rates in the provinces. The net proceeds, after defraying the expenses of the establishment in the provinces, and the conveyance of the Mails, &c., is remitted to the General Post-office, London. The sums received for the transmission of newspapers and pamphlets by Post, have, ever since the establishment of the Post-office in British North America, been the emolument of the Deputy Postmaster-general, out of which he allows to his sub-deputies a commission for collecting, which allowance is in addition to their salaries or commission as Postmasters.

Fran's Freeling, Secretary.

— (3.) —

STATEMENT showing the Gross AMOUNT of NEWSPAPER POSTAGE paid by each Printer or Proprietor of Newspapers in the *Canadas*, in each of the Years 1827, 1828, 1829, 1830 and 1831, showing in what Manner and to Whom the Proceeds have been appropriated.

NAME OF THE PAPER.	1827.	1828.	1829.	1830.	1831.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Quebec Gazette - - - -	51 - -	51 - -	51 - -	51 - -	66 6 -
Quebec Mercury - - - -	19 - -	19 - -	19 - -	19 - -	21 6 -
Official Gazette - - - -	26 - -	26 - -	26 - -	26 - -	26 - -
Canadian Courant - - - -	46 5 -	46 5 -	46 5 -	46 5 -	46 5 -
Montreal Herald and New Mon- treale Gazette - - - -	75 - -	75 - -	75 - -	75 - -	75 - -
Montreal Gazette - - - -	50 - -	50 - -	50 - -	50 - -	57 10 -
British Colonist - - - -	2 - 9	2 17 -	3 3 5	3 4 2	3 9 6
Upper Canada Gazette - - -	35 18 -	40 8 5	31 8 -	14 8 -	17 18 9
Observer - - - -	18 2 -	17 18 6	16 13 6	15 3 8	3 7 8
Freeman - - - -	21 16 -	24 11 2	27 - -	27 - -	27 10 5
Advocate - - - -	48 11 -	43 14 7	58 13 8	43 8 5	56 12 2
Brockville Recorder - - -	10 3 3	10 10 7	15 3 1	17 15 2	16 5 2
Gleaner and another, published at Niagara - - - -	11 11 3	18 1 -	25 3 3	40 16 6	15 15 2
Gore Gazette - - - -	11 13 2	4 7 4	6 3 9	- - -	- - -
Paper, published at St. Catherine's	7 5 -	- - -	- - -	- - -	6 4 2
Kingston Chronicle - - - -	10 10 -	10 - -	10 - -	10 - -	10 - -
Upper Canada Herald - - -	12 17 6	13 - -	13 15 -	13 11 -	11 - -
Star - - - -	- - -	21 10 -	22 5 -	16 2 9	- - -
Gore Balance - - - -	- - -	3 6 4	6 2 10	23 14 9	- - -
Independent Examiner - - -	- - -	9 13 4	16 6 7	14 14 2	10 8 10
Vindicator - - - -	- - -	- - -	30 - -	40 - -	40 - -
Minerve - - - -	- - -	- - -	23 10 -	50 - -	50 - -
Bibliothèque Canadien - - -	- - -	- - -	8 10 -	8 14 -	8 14 -
Kingston Gazette - - - -	- - -	- - -	21 1 -	9 - -	- - -
Patriot - - - -	- - -	- - -	5 - -	- - -	6 - -
Brockville Gazette - - - -	- - -	- - -	3 14 -	6 8 6	5 15 10
Anglo-Canadian - - - -	- - -	- - -	2 18 -	1 15 8	- - -
Guardian - - - -	- - -	- - -	- - -	180 14 2	227 10 -
Courier - - - -	- - -	- - -	- - -	23 1 10	44 13 7
Canadian Watchman - - - -	- - -	- - -	- - -	15 9 -	24 5 9
La Canadien - - - -	- - -	- - -	- - -	- - -	15 - 9
Christian Sentinel - - - -	- - -	- - -	- - -	- - -	63 15 -
Sentinel - - - -	- - -	- - -	- - -	- - -	2 8 -
Western Mercury - - - -	- - -	- - -	- - -	- - -	78 3 8
Free Press - - - -	- - -	- - -	- - -	- - -	10 13 9
Canadian Wesleyan - - - -	- - -	- - -	- - -	- - -	18 6 -
Casket - - - -	- - -	- - -	- - -	- - -	2 10 -

The Proceeds are appropriated to the emolument of the Deputy Postmaster-general.

General Post-office, }
July 1833. }

T. A. Stayner,
Deputy Postmaster-general.

Similar ACCOUNT with regard to *Nova Scotia*.

NAME OF THE PAPER.	1827.	1828.	1829.	1830.	1831.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Royal Gazette - - - -	8 - -	6 - -	5 - -	5 - -	5 - -
Acadian Recorder - - - -	15 - -	38 10 -	38 10 -	38 10 -	38 10 -
Weekly Chronicle - - - -	5 - -	- - -	- - -	- - -	- - -
Halifax Journal - - - -	8 - -	11 - -	11 - -	12 10 -	12 10 -
Nova Scotian - - - -	25 - -	25 - -	30 - -	40 - -	60 - -
Acadian - - - -	- - -	1 10 -	2 - -	2 - -	2 - -
Pictou Patriot - - - -	- - -	- - -	5 - -	5 - -	5 - -
Yarmouth Telegraph - - -	- - -	- - -	- - -	- - -	2 - -

The proceeds are appropriated to the emolument of the Deputy Postmaster-general.
499.

Similar ACCOUNT with regard to *New Brunswick.*

NAME OF THE PAPER.	1827.	1828.	1829.	1830.	1831.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
St. John Courier - - -	- - -	- - -	3 7 6	3 7 6	3 7 6
City Gazette - - -	- - -	- - -	3 7 6	3 7 6	3 7 6
Colonist - - -	- - -	- - -	3 7 6	3 7 6	3 7 6
Observer - - -	- - -	- - -	3 7 6	3 7 6	3 7 6
Fredericton - - -	- - -	- - -	- - -	- - -	16 - -
St. Andrew's Herald - -	- - -	- - -	- - -	- - -	4 - -
St. Andrew's Courant - -	- - -	- - -	- - -	- - -	4 - -

Half of these Sums have been given to the Postmaster where the Papers are put in, for their trouble; and the remainder appropriated to the emolument of the Deputy Postmaster-general at Halifax.

Francis Freeling, Secretary.

CANADA POST OFFICE.

RETURNS of the ESTABLISHMENT of the
GENERAL POST-OFFICE in *Upper* and *Lower*
Canada, and other Colonies in *North America*;—
Amount of NEWSPAPER, PAMPHLET, and LET-
TER POSTAGE;—and AMOUNT of NEWSPAPER
Postage paid by the Proprietors of Newspapers.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
10 July 1833.

UPPER CANADA CLERGY.

RETURNS to Addresses to HIS MAJESTY, dated 31 July 1832, and 6 February 1833.

(Address, 31 July 1832 ;—*for*.)

— No. 1. —

STATEMENT, in Detail, of the MONIES APPROPRIATED last Year by the Vote of This House to the SOCIETY FOR THE PROPAGATION OF THE GOSPEL, in Aid of the EXPENSES of the SOCIETY in *Canada*, so far as the said MONIES were Expended in *Upper Canada*; showing their APPLICATION, and the SUM PAID each MISSIONARY.

— No. 2.* —

STATEMENT, in Detail, showing what PAYMENTS were made to Bishops, Rectors, Missionaries, or other Religious Teachers in *Upper Canada*, whether of the Churches of *England*, *Rome*, *Scotland*, or any other Denomination, during the last Year, out of Funds raised in the Province; showing the Authority by which the several Payments were made, the Names of the Persons so paid, the Amount they severally received, and their Stations as such Missionaries or Teachers.

* The Lieutenant-governor of Upper Canada has been directed to furnish a "Statement of the Payments made to Bishops, Rectors, Missionaries, or other Religious Teachers in that Province;" but the Returns have not yet been received.

(Address, 6 February 1833.)

SIMILAR STATEMENTS required for the Year 1832.

Colonial Department,
Downing-street,
1 June 1833. }

R. W. HAY.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
25 June 1833.

UPPER CANADA CLERGY.

LETTER from *Anthony Hamilton*, Esquire, Secretary to the Society for the Propagation of the Gospel, to Lord Viscount *Howick*, &c. &c. &c.

MY LORD,

42, Castle-street, Leicester-square,
August 23, 1832.

IN reply to the communication which I have had the honour to receive from your Lordship, requesting to be furnished with a statement in detail of the appropriation of the Monies voted by the House of Commons in the year 1831, in aid of the expenses of the Society for the Propagation of the Gospel in Canada, so far as they relate to the province of Upper Canada, I beg leave to observe, for the information of Lord Goderich, that by reference to the Act of 5 Geo. IV., c. 115, your Lordship will find that the sum then voted was granted in the following manner: viz. 15,552*l.* for charge of Society for the Propagation of the Gospel in the Colonies of Upper and Lower Canada, Nova Scotia, New Brunswick, Newfoundland, Prince Edward Island and the Cape of Good Hope, and that by the Estimates that sum has been thus divided; viz.

Upper and Lower Canada	-	-	-	£. 7,000
Nova Scotia	-	-	-	4,333
New Brunswick	-	-	-	2,666
Newfoundland	-	-	-	1,000
Prince Edward Island	-	-	-	333
Cape of Good Hope	-	-	-	200

This division of the Grant has, it is believed, been continued in subsequent Estimates; your Lordship will thus perceive that no distinction has been made by Parliament in the Grant between the Provinces of Upper and Lower Canada.

By the Report of the Society for the past year, now transmitted, your Lordship will further perceive that the total sum expended in 1831 in Upper Canada was 7,110*l.* 14*s.* 7*d.*; and in Lower Canada, 4,540*l.* 0*s.* 8*d.*

A List of the Missionaries is also transmitted, specifying the sums paid to each in the year 1831, in compliance with the Address of the House of Commons.

I have, &c.

(signed) *Anthony Hamilton*,
Secretary of the Society.

ACCOUNT of MONIES paid to MISSIONARIES in the Year 1831, in *Upper Canada*.

	£.	s.	d.		£.	s.	d.
Rev. William Leeming -	200	-	-	Rev. Richard Harte -	200	-	-
- John Wenham -	70	-	-	- James Magrath -	150	-	-
- Thomas Campbell -	250	-	-	- Dr. John Strachan -	275	-	-
- James Clarke -	200	-	-	- Alexander Macintosh -	75	-	-
- John Anderson -	200	-	-	- Edward James Boswell -	150	-	-
- Joseph Thompson -	200	-	-	- Ralph Leeming -	200	-	-
- George Okill Stuart -	100	-	-	- Thomas Morley -	200	-	-
- Samuel Armour -	100	-	-	- Michael Harris -	200	-	-
- George R. F. Grout -	200	-	-	- Abraham Nelles -	175	-	-
- James Lyme Alexander -	75	-	-	- John Stoughton -	210	-	-
- Romaine Rolph -	200	-	-	- Job Deacon -	250	-	-
- William Macaulay -	200	-	-	- Rossington Elms -	200	-	-
- Frederick Mack -	75	-	-	- Robert Short -	200	-	-
- Henry Patton -	137	10	-	- Wm. Hodson Gunning -	192	6	2
- Mark Burnham -	100	-	-	- James Coghlan -	100	-	-
- William Johnson -	87	10	-	- Alexander N. Bethune -	200	-	-
- Edward Parkin -	200	-	-	- John Miller -	100	-	-
- Robert Blakey -	200	-	-	- V. P. Mayerhoffer -	65	-	-
- John Grier -	150	-	-	- Saltern Givins -	33	8	5
- Francis Evans -	200	-	-	- George Archbold -	100	-	-
- Frederick Myers -	100	-	-				
- Thomas Creen -	200	-	-		£. 6,920	14	7
- John Gunter Weagant -	200	-	-				

ACCOUNT of MONIES paid to MISSIONARIES in the Year 1831, in *Lower Canada*.

	£.	s.	d.		£.	s.	d.
Rev. R. R. Burrage -	150	-	-	Rev. Richard Whitwell -	200	-	-
- Micajah Townsend -	100	-	-	- Charles C. Cotton -	100	-	-
- George Archbold -	200	-	-	- William Abbott -	200	-	-
- John Leeds -	200	-	-	- Thomas Johnson -	100	-	-
- E. W. Sewell -	150	-	-	- W. D. Baldwin -	200	-	-
- Arthur Norman -	50	-	-	- Joseph Abbott -	200	-	-
- B. B. Stevens -	50	-	-	- Jonathan Taylor -	200	-	-
- Amos Ansley -	200	-	-	- George Salmon -	200	-	-
- James Edmund Burton -	200	-	-	- A. F. Atkinson -	50	-	-
- Joseph Braithwaite -	100	-	-	- Christopher Jackson -	146	14	-
- John Jackson -	65	-	-	- James Reid -	150	-	-
- Charles B. Flemming -	150	-	-	- Lucius Doolittle -	200	-	-
- William Arnold -	200	-	-				
- John Campbell Driscoll -	200	-	-		£. 4,161	14	-
- George M'Leod Ross -	200	-	-				

EXTRACT from the REPORT of the SOCIETY for the PROPAGATION OF THE GOSPEL in FOREIGN PARTS, for the Year 1831.

PAYMENTS :

Upper Canada :								£.	s.	d.	£.	s.	d.
43	Missionaries	-	-	-	-	-	-	6,920	14	7			
6	Schoolmasters	-	-	-	-	-	-	90	-	-			
2	Pensions to the Widows of deceased Missionaries	-	-	-	-	-	-	100	-	-			
											7,110	14	7
Lower Canada :													
27	Missionaries	-	-	-	-	-	-	4,161	14	-			
1	Schoolmaster	-	-	-	-	-	-	20	-	-			
4	Divinity Students	-	-	-	-	-	-	208	6	8			
	Grants for Catechists and building Churches	-	-	-	-	-	-	150	-	-			
											4,540	-	8
											£. 11,650	15	3

ACCOUNT of MONIES paid to MISSIONARIES in the Year 1832, in *Upper Canada*.

	£.	s.	d.		£.	s.	d.
Rev. John Anderson - -	200	-	-	Rev. Ralph Leeming - -	200	-	-
- George Archbold - -	200	-	-	- J. P. Beck Lindsay - -	50	-	-
- Samuel Armour - -	100	-	-	- Frederick Myers - -	350	-	-
- James Lynne Alexander	150	-	-	- Frederick Mack - -	50	-	-
- Robert Blakey - -	200	-	-	- James Magrath - -	150	-	-
- Alexander N. Bethune -	200	-	-	- William Macaulay - -	200	-	-
- Mark Burnham - -	100	-	-	- John Miller - -	200	-	-
- Edward J. Boswell - -	150	-	-	- Thomas Morley - -	200	-	-
- Thomas Campbell - -	200	-	-	- V. P. Mayerhoffer - -	80	-	-
- James Coghlan - -	200	-	-	- Abraham Nelles - -	200	-	-
- Thomas Creen - -	200	-	-	- Edward Parkin - -	250	-	-
- James Clarke - -	200	-	-	- Henry Patton - -	150	-	-
- Job Deacon - -	200	-	-	- D. Robertson - -	100	-	-
- Rossington Elms - -	200	-	-	- Romaine Ralph - -	200	-	-
- Francis Evans - -	200	-	-	- Robert Short - -	200	-	-
- John Grier - -	200	-	-	- George Okill Stuart - -	100	-	-
- Salton Givins - -	100	-	-	- John Stoughton - -	200	-	-
- William Hodson Gunning	200	-	-	- Dr. John Strachan - -	275	-	-
- George R. F. Grout - -	200	-	-	- Joseph Thomson - -	200	-	-
- Richard Harte - -	200	-	-	- John Gunter Weagant -	200	-	-
- Michael Harris - -	200	-	-				
- William Johnson - -	100	-	-				
- William Leeming - -	200	-	-				
					£. 7,655	-	-

ACCOUNT of MONIES paid to MISSIONARIES in the Year 1832, in *Lower Canada*.

	£.	s.	d.		£.	s.	d.
Rev. Amos Ansley - -	200	-	-	Rev. Christopher Jackson	200	-	-
- William Abbott - -	200	-	-	- John Leeds - -	200	-	-
- Joseph Abbott - -	200	-	-	- Arthur Norman - -	50	-	-
- A. F. Atkinson - -	50	-	-	- George M'Leod Ross -	200	-	-
- William Arnold - -	200	-	-	- James Reid - -	100	-	-
- R. R. Burrage - -	150	-	-	- B. B. Stevens - -	50	-	-
- W. D. Baldwyn - -	200	-	-	- George Salmon - -	200	-	-
- Joseph Braithwaite - -	100	-	-	- E. W. Sewell - -	100	-	-
- A. H. Burwell - -	150	-	-	- Micajah Townsend - -	100	-	-
- James Edward Burton -	200	-	-	- Jonathan Taylor - -	200	-	-
- Charles C. Cotton - -	100	-	-	- Richard Whitwell - -	200	-	-
- Lucius Doolittle - -	200	-	-				
- Charles B. Fleming - -	150	-	-				
- John Jackson - -	65	-	-				
- Thomas Johnson - -	200	-	-				
					£. 3,965	-	-

EXTRACT from the REPORT of the SOCIETY for the PROPAGATION OF THE GOSPEL
in FOREIGN PARTS, for the Year 1832.

PAYMENTS :

Upper Canada :								£.	s.	d.	£.	s.	d.
43	Missionaries	-	-	-	-	-	-	7,655	-	-			
6	Schoolmasters	-	-	-	-	-	-	70	-	-			
3	Pensions to the Widows of deceased Missionaries	-	-	-	-	-	-	175	-	-			
											7,900	-	-
Lower Canada :													
26	Missionaries	-	-	-	-	-	-	3,965	-	-			
1	Schoolmaster	-	-	-	-	-	-	20	-	-			
4	Divinity Students	-	-	-	-	-	-	175	-	-			
	Grants to the Bishop of Quebec ; viz.												
	For Catechists	-	-	-	-	-	-	400	-	-			
	For building Churches in Canada	-	-	-	-	-	-	300	-	-			
	For Sunday Schools	-	-	-	-	-	-	200	-	-			
											5,060	-	-
											£. 12,960	-	-

UPPER CANADA CLERGY.

STATEMENTS, in Detail, of MONIES appropriated
by Vote of the House of Commons to the SOCIETY
FOR THE PROPAGATION OF THE GOSPEL, in the
Years 1831 and 1832.

(*Mr. Hume.*)

*Ordered, by The House of Commons, to be Printed,
25 June 1833.*

UPPER CANADA LEGISLATURE.

RETURN to an Address to HIS MAJESTY, dated 6 February 1833;—for,

RETURNS of the NAMES of the MEMBERS of the LEGISLATIVE and EXECUTIVE COUNCILS and HOUSES of ASSEMBLY of *Upper* and *Lower Canada*, on the 1st July 1832; stating the various Offices, Employments and Public Situations each of them held under the *British* and *Colonial* Governments, Clerical and Lay; with an Account of the Pay, the Salaries, the Allowances and the Amount of all Fees or other Emoluments received by each for each Office; showing also, whether any, and if so, what Half-Pay, Pension, Superannuated or Retired Allowance each receives, and for what Office or Situation, and the Aggregate Amount received by each in the Year for all such Offices or Employments; and stating the Dates of Appointment to each Office, Employment and Situation, the Authority by which appointed, and the Tenure by which held; also, whether there are any Duties to be performed, and whether the Duties of those Offices are performed wholly in Person or by Deputy or Deputies, and what Pay, Allowance, Fees or Emoluments each of such Deputies receives, and whether paid by the Principal of the Office or by the Government or other Funds, or by Fees, and how much by each; showing also from what Funds, *British* or *Colonial*, any and all of the Pay, Pension, Superannuated or other Allowances and Emoluments are paid:—Also, A RETURN of all Grants of Land or other Public Property made at any time by the *British* Government, or by the Governments of *Upper* and *Lower Canada*, to any of the Members of those Councils or Houses of Assembly, or to any of their Children, stating the Date and Extent of each such Grant.

A RETURN of the TITLES of all BILLS of a Public or General character, which, having originated in the Houses of Assembly of *Upper* and *Lower Canada* during any of their Ten last Legislative Sessions, were rejected or declined to be acted upon by the Legislative Councils of those Colonies; or which, having been so sent up, were altered by the Legislative Councils so as to cause their subsequent rejection in the House whence they originated; or which having originated in, and been passed by the Legislative Council, were afterwards rejected by the Assembly; stating also the TITLES of any BILLS, which having been passed in the Legislative Council and Assembly of either Province have been refused His Majesty's Sanction.

(SO FAR AS RELATES TO UPPER CANADA.)

Colonial Department, Downing-street, }
1 June 1833. }

R. W. HAY.

(Mr. Hume.)

Ordered, by The House of Commons, to be Printed,
25 June 1833.

LIST.

- 1.—LETTER from Lieutenant-governor Sir John Colborne to the Right hon. Lord Viscount Goderich, dated 28 March 1833 - - - - - p. 3
- 2.—A RETURN of the Names of the Members of the Legislative and Executive Councils and House of Assembly, on the 1st of July 1832, stating the various Offices, Employments and Public Situations each of them held under the British and Colonial Governments - - - - - p. 4
- 3.—LIST of the Titles of all Bills of a Public or General character, which, having originated in the House of Assembly during the Ten last Legislative Sessions, were rejected or declined to be acted upon by the Legislative Council; or which, having been so sent up, were altered by the Legislative Council so as to cause their subsequent rejection in the House whence they originated; or which having originated in, and been passed by the Legislative Council, were afterwards rejected by the Assembly :—Also, of the Titles of Bills, which having been passed in the Legislative Council and Assembly have been refused his Majesty's Sanction - - - p. 12

UPPER CANADA LEGISLATURE.

(1.)—LETTER from Lieutenant-governor Sir *John Colborne* to the
Right hon. Viscount *Goderich*.

Upper Canada, York, 28th March 1833.

MY LORD,

WITH reference to your Lordship's Despatch of the 20th August last,
I have the honour to forward the accompanying Returns, containing
the information requested in the Address to the King from the House of
Commons on the 10th of August; and to observe, that in consequence of the
delay experienced in procuring a statement from each Member of the Legislative
Council and of the House of Assembly, of the grants of land received from
His Majesty's Government, this document could not be sooner prepared.

I have, &c.

(signed) *J. Colborne.*

The Right Hon. Lord Viscount *Goderich*,
&c. &c. &c.

(2.)—A RETURN of the NAMES of the MEMBERS of the LEGISLATIVE and EXECUTIVE
Employments and Public Situations; each of them

N A M E.	Offices, Employments and Public Situations, Clerical and Lay, held by each Member.	Account of the Pay, Salary and Allowances, and Amount of Fees and other Emo- luments received by each Officer.	Amount of Half- pay, Pension, Superannuated or Retired Al- lowance, and for what Office or Situation.	Aggregate Amount received in the Year for all Offices or Em- ployments.	Date of Appointment to each Office, Employment or Situation.
LEGISLATIVE AND EXECUTIVE COUNCILLORS:		£. s. d.	£. s. d.	£. s. d.	
James Baby - -	Inspector general of Public Accounts.	615 - -	} - -	715 - - sterling.	{ Feb. - 1815 July - 1792
	Executive Councillor - -	100 - -			
John M'Gill - -	late Receiver-general - -	- -	450 - -	450 - - sterling.	16 Jan. 1818
Thomas Clark - -	- - - - -	- -	- -	- -	- -
William Dickson - -	- - - - -	- -	- -	- -	- -
William D. Powell - -	late Chief Justice - - -	- -	1,000 - -	1,000 - - sterling.	1 Oct. 1816
George Crookshank - -	late Commissary General -	- -	136 17 6 sterling.	130 - - sterling.	- -
John Strachan - -	Archdeacon of York - -	300 - -	} - -	670 - -	{ 12 Oct. 1827 1815 1824
	Executive Councillor - -	100 - -			
	President of the General Board of Education.	270 - -			
Joseph Wells - -	Executive Councillor - -	100 - -	} - -	485 - - sterling.	{ 7 Apr. 1831 1 Jan. 1828 1830 1820
	Bursar of the University of King's College.	135 - -			
	Treasurer of U. C. College -	- -			
	Special Receiver of Forfeited Estates.	- -			
Duncan Cameron - -	Secretary and Registrar -	300 - -	} - -	1,116 - - sterling.	3 Mar. 1818
		636 commuted in lieu of fees. 180 contingencies.			

COUNCILS and HOUSE OF ASSEMBLY on the 1st July 1832, stating the various Offices, held under the *British* and *Colonial* Government.

Authority ; and the Tenure by which each Appointment is held.	Whether there are any Duties to be performed, and whether performed wholly in Person, or by Deputy or Deputies.	Amount of Pay, Allowances, Fees or Emoluments each Deputy receives, and whe- ther paid by the Principal of the Office, or by the Go- vernment or other Funds, British or Colonial.	A Statement of all Grants of Land or other Public Property received at any time from the British Government, or by the Governments of Upper or Lower Canada, to himself or any of his Children, with the Date and Extent of such Grant.		
			Date of Grant.	No. of Acres.	TOTAL.
Sir G. Drummond -	Various duties - -	- - - - -	13 July 1797	1 ^{town} lot.	7,301
- - His Majesty's man- damus.	Performed in person -	- - - - -	14 - 1798	100	
His Majesty - -	- - - - -	- - - - -	1 - 1799	6,000 1,200	
- - - - -	- - - - -	- - - - -	1795	2,560	5,560
- - - - -	- - - - -	- - - - -	1798	3,000	
- - - - -	- - - - -	- - - - -	1794	200	2,414 $\frac{1}{2}$
- - - - -	- - - - -	- - - - -	1802	400	
- - - - -	- - - - -	- - - - -	1808	600	
- - - - -	- - - - -	- - - - -	1822	1,200	
- - - - -	- - - - -	- - - - -	1815	14 $\frac{1}{2}$	1,200
- - His Majesty's man- damus.	- - - - -	- - - - -	- -	400 800	
		Grantees.			
- - His Majesty's man- damus.	- - - - -	W. D. Powell, sen. -	10 Feb. 1797	1,000	16,903
- - - - -	- - - - -	- - - - -	1 Dec. -	2,000	
- - - - -	- - - - -	- - - - -	1 May 1798	300	
- - - - -	- - - - -	- - - - -	- - -	1	
- - - - -	- - - - -	- - - - -	23 - 1803	900	
- - - - -	- - - - -	- - - - -	- - -	800	
- - - - -	- - - - -	- - - - -	30 - -	700	
- - - - -	- - - - -	W. D. Powell, jun, -	1 Mar. 1797	1	
- - - - -	- - - - -	- - - - -	27 May -	200	
- - - - -	- - - - -	- - - - -	2 Dec. 1802	40	
- - - - -	- - - - -	- - - - -	3 Aug. 1799	560	2,001
- - - - -	- - - - -	- - - - -	10 - 1801	400	
- - - - -	- - - - -	Miss Ann Powell -	9 Jan. 1798	1,200	
- - - - -	- - - - -	Mr. Grant Powell -	- - -	1,200	
- - - - -	- - - - -	Miss Elizabeth Powell	- - -	1,200	
- - - - -	- - - - -	Miss Mary B. Powell	- - -	1,200	
- - - - -	- - - - -	Mr. Jeremiah Powell	- - -	1,200	
- - - - -	- - - - -	Mr. Thomas Powell -	- - -	1,200	
- - - - -	- - - - -	Mr. John Powell -	- - -	1,200	
- - - - -	- - - - -	- - - - -	1 May -	1	
- - - - -	- - - - -	Grant Powell - -	24 Sept. 1822	800	3,202
- - - - -	- - - - -	John Powell - -	20 June 1823	800	
- - - - -	- - - - -	- - - - -	31 Dec. 1798	1,200	
- - - - -	- - - - -	- - - - -	1804	1	3,202
- - - - -	- - - - -	- - - - -	20 May 1818	800	
His Majesty - -	- - Various duties; per- formed in person.	- - - - -	28 Feb. 1804	1,200	
- - His Majesty's man- damus.	- - - - -	- - - - -	6 July 1825	2,000	
Sir P. Maitland - -	- - - - -	- - - - -	5 Jan. 1808	1	1,200
- - His Majesty's man- damus.	- - - - -	- - - - -	16 Jan. 1816	1	
- - - - -	- - - - -	- - - - -	- - -	- -	1,200
Sir P. Maitland - -	- - Various duties; per- formed in person.	- - - - -	- - -	1,200	
Ditto - - - -	- - - - -	- - - - -	- - -	- -	2,800
Ditto - - - -	- - - - -	- - - - -	- - -	- -	
- - His Majesty's man- damus, and commission under the Great Seal of the Province.	- - Various duties; per- formed in person and assisted by deputy.	- - £.150 by warrant; out of the Provincial Fund.	Jan. 1809	1,200	2,800
- - - - -	- - - - -	- - - - -	5 Oct. 1825	100	
- - - - -	- - - - -	- - - - -	9 July 1832	700	
- - - - -	- - - - -	- - - - -	- - -	800	

(continued)

(continued)

RETURNS RELATING TO THE

NAME.	Offices, Employments and Public Situations, Clerical and Lay, held by each Member.	Account of the Pay, Salary and Allowances, and Amount of Fees and other Emoluments received by each Officer.	Amount of Half-pay, Pension, Superannuated or Retired Allowances, and for what Office or Situation.	Aggregate Amount received in the Year for all Offices or Employments.	Date of Appointment to each Office, Employment or Situation.
LEGISLATIVE AND EXECUTIVE COUNCILLORS—cont ^d .		£. s. d.	£. s. d.	£. s. d.	
George H. Markland -	Executive Councillor - -	100 - -	- - -	- - -	6 July 1827 5 Sep. 1828
	Registrar King's College -	135 - -	- - -	- - -	
	Secretary and Receiver Clergy Corporation.	135 - -	- - -	460 sterling	- - -
	Secretary and Treasurer Board of Education.	90 - -	- - -	- - -	- - -
John H. Dunn - -	Receiver-general - - -	1,080 - -	- - -	1,080 sterling	- Apr. 1820
William Allan - -	- - - - -	- - -	- - -	- - -	- - -
William Campbell -	Late Chief Justice - -	- - -	1,200 sterling	1,200 - -	17 Oct. 1825
Peter Robinson -	Commissioner of Crown Lands	500 - -	- - -	- - -	1827
	Executive Councillor - -	100 - -	- - -	1,100 - -	
Charles Jones - -	Surveyor-general of Woods -	500 - -	- - -	- - -	- - -
	- - - - -	- - -	- - -	- - -	- - -
James Gordon - -	- - - - -	- - -	- - -	- - -	- - -
John B. Robinson -	Chief Justice of the Province -	1,500 - -	- - -	- - -	July 1829
	Speaker of the Legislative Council.	360 - -	- - -	1,860 sterling	Jan. 1830
Alexander M'Donnell	Inspector of Shop, Still and Tavern Licences, Home District - - - -	90 p' cent. 31 7 9 fees.	- - -	- - -	Oct. 1828
	Late Assistant Secretary, Indian Department, U. C.	- - -	85 3 4	206 11 1 sterling.	June 1816
Zaccheus Burnham -	- - - - -	- - -	- - -	- - -	- - -
John Elmesley - -	Executive Councillor - - -	- - -	- - -	- - -	20 Sep. 1830
	Reduced Lieut. Royal Navy -	- - -	91 5 -	91 5 -	17 Aug. 1824
Augustus Baldwin -	- - - - -	- - -	- - -	- - -	- - -
John H. Hamilton -	- - - - -	- - -	- - -	- - -	- - -
Walter Boswell - -	Commissioner on Half Pay, Royal Navy.	- - -	150 - -	150 - -	1814
Peter Adamson - -	Reduced Major - - -	- - -	173 7 6	173 7 6	- - -
James Kerby - -	Reduced Major, Incorporated Militia, U. C.	- - -	173 7 6	173 7 6	- - -
John Kerby - -	- - - - -	- - -	- - -	- - -	- - -
James Crooks - -	- - - - -	- - -	- - -	- - -	- - -
Alexander M'Donnell					
	Bishop of Regiopolis - -	600 - -	- - -	600 - -	1824
Alexander Grant -					
	- - - - -	- - -	- - -	- - -	- - -
Arthur Lloyd - -					
	- - - - -	- - -	- - -	- - -	- - -

Authority ; and the Tenure by which each Appointment is held.	Whether there are any Duties to be performed, and whether performed wholly in Person, or by Deputy or Deputies.	Amount of Pay, Allowances, Fees or Emoluments each Deputy receives, and whe- ther paid by the Principal of the Office, or by the Go- vernment or other Funds, British or Colonial.	A Statement of all Grants of Land or other Public Property received at any time from the British Government, or by the Governments of Upper or Lower Canada, to himself or any of his Children, with the Date and Extent of such Grant.		
			Date of Grant.	No. of Acres.	TOTAL.
His Majesty - - Lieutenant-governor - -	- - - - - -- Various duties ; per- formed in person.	- - - - - - - - - -	30 Oct. 1810 28 Feb. 1818	$\frac{2}{5}$ 200	} 600 $\frac{2}{5}$
- - Ditto - -	- - - - -	- - - - -	5 May 1819	400	
- - Ditto - -	- - - - -	- - - - -	1 - 1817	$\frac{2}{5}$	
- - Under Great Seal of England.	-- Duties performed in person.	- - - - -	- - - - -	-	
- - - - -	- - - - -	- - - - -	1801	600 600 1,000	} 2,200
- - - - -	- - - - -	- - - - -	12 Nov. 1812	1,200	
- - The King, under the Sign Manual.	-- Various duties ; per- formed in person.	- - - - -	16 Jan. 1816	200	} 1,001
- - - - -	- - - - -	- - - - -	12 July 1820	1 800	
- - - - -	- - - - -	- - - - -	16 Feb. 1808 9 July 1802	1,000 200 800	
- - - - -	- - - - -	- - - - -	1818	600	} 1,100
- - By Commision under the Great Seal of the Province.	-- Duties performed in person.	- - - - -	1821	500	
- - - - -	- - - - -	- - - - -	1813	200	} 1,700
- - - - -	- - - - -	- - - - -	-	1,000	
- - - - -	- - - - -	- - - - -	1821	500	} 2,102
Colonial Acts - -	-- Duties performed in person.	- - - - -	1784	2,000 1	
- - Commander of the Forces, U. C.	- - - - -	- - - - -	- - - - -	100 1	
- - - - -	- - - - -	- - - - -	1808	400	} 700
- - - - -	- - - - -	- - - - -	1824	300	
His Majesty's Mandamus	-- Duty performed in person.	- - - - -	- - - - -	-	-
Admiralty - - - -	- - - - -	- - - - -	- - - - -	-	-
- - - - -	- - - - -	- - - - -	- - - - -	1,200	1,200
- - - - -	- - - - -	- - - - -	- - - - -	-	-
- - Lords Commissioners of the Admiralty.	- - - - -	- - - - -	1818	1,000	} 1,200
- - - - -	- - - - -	- - - - -	-	200	
- - - - -	- - - - -	- - - - -	29 Oct. 1824	1,000	1,000
- - - - -	- - - - -	- - - - -	- - - - -	1,200 1,000	} 2,200
- - - - -	- - - - -	- - - - -	- - - - -	200	
- - - - -	- - - - -	- - - - -	11 Nov. 1806	1,200 800 1 $\frac{1}{2}$	} 2,371 $\frac{1}{2}$
- - - - -	- - - - -	- - - - -	- - - - -	170	
- - - - -	- - - - -	- - - - -	his wife -	200	
- - Recommendation of the British Government. Appointment of the See of Rome.	-- Duty for some years performed in person.	- - £. 500. from U. C. Government, out of Canada Company's Fund; 100 <i>l.</i> from the Government of Lower Canada.	1802 1827	1,200 1,200	} 2,400
- - - - -	- - - - -	- - - - -	- - - - -	200	
- - - - -	- - - - -	- - - - -	1820	1,200	1,200 (continued)

N A M E.	Offices, Employments and Public Situations, Clerical and Lay, held by each Member.	Account of the Pay, Salary and Allowances, and Amount of Fees and other Emo- luments received by each Officer.	Amount of Half- pay, Pension, Superannuated or Retired Al- lowances, and for what Office or Situation.	Aggregate Amount received in the Year for all Offices or Em- ployments.	Date of Appointment to each Office, Employment or Situation.
LEGISLATIVE AND EXECUTIVE COUNCILLORS—cont ^d .		£. s. d.	£. s. d.	£. s. d.	£. s. d.
Abraham Nelles	- - - - -	- - -	- - -	- - -	- - -
MEMBERS OF THE ASSEMBLY :					
B. C. Beardsley	- - - - -	- - -	- - -	- - -	- - -
Henry J. Boulton	His Majesty's Attorney-general	300 - -	- - -	300 - -	July 1829
William Berezy	Judge, Western District Court	10 - -	- - -	10 - -	5 Apr. 1826
Mashal S. Bidwell	- - - - -	- - -	- - -	- - -	- - -
George S. Boulton	Registrar of County Northum- berland.	70 - -	- - -	70 - -	July 1824
John Brown	- - - - -	- - -	- - -	- - -	- - -
William Buell	- - - - -	- - -	- - -	- - -	- - -
Mahlon Burwell	Registrar of County Middlesex	84 4 8	- - -	160 13 8	1809
	Collector of Customs - -	76 9 -	- - -		1820
John Campbell	- - - - -	- - -	- - -	- - -	- - -
William Chisholm	Deputy Postmaster - -	20 - -	- - -	20 - -	1824
John Clark	- - - - -	- - -	- - -	- - -	- - -
John Cook	- - - - -	- - -	- - -	- - -	- - -
William Crooks	- - - - -	- - -	- - -	- - -	- - -
Charles Duncombe	- - - - -	- - -	- - -	- - -	- - -
William Elliott	- - - - -	- - -	- - -	- - -	- - -
Alexander Fraser	Reduced Quartermaster late Canadian Regiment.	- - -	54 - -	54 - -	- - -
Richard D. Fraser	Collector of Customs - -	152 6 6	- - -	152 6 6	30 Dec. 1831
Christopher A. Hager- man.	Solicitor-general - - -	200 salary 360 fees -	- - -	560 - -	Apr. 1829
Matthew M. Howard	- - - - -	- - -		- - -	- - -
Thomas Horner	Registrar County Oxford -	102 10 -	- - -	102 10 -	June 1800
William B. Jarvis	Sheriff, Home District - -	100 salary fees from 400 l. to 800 l.	- - -	- From 700 l. to 1,100 l. out of which there are large dis- bursements, net amount, (including sa- lary) for last year, 550 l.	May 1827
Henry Jones	Postmaster, Town of Brockville	90 - -	- - -	90 - -	Mar. 1820
Jesse Ketchum	- - - - -	- - -	- - -	- - -	- - -
John B. Lewis	- - - - -	- - -	- - -	- - -	- - -
James Lyon	- - - - -	No Return -	- - -	- - -	- - -

LEGISLATIVE COUNCILS OF UPPER CANADA.

9

Authority ; and the Tenure by which each Appointment is held.	Whether there are any Duties to be performed, and whether performed wholly in Person, or by Deputy or Deputies.	Amount of Pay, Allowances, Fees or Emoluments each Deputy receives, and whe- ther paid by the Principal of the Office, or by the Go- vernment or other Funds, British or Colonial.	A Statement of all Grants of Land or other Public Property received at any time from the British Government, or by the Governments of Upper or Lower Canada, to himself or any of his Children, with the Date and Extent of such Grant.		
			Date of Grant.	No. of Acres.	TOTAL.
- - - - -	- - - - -	- - - - -	1793	200	} 2,200
- - - - -	- - - - -	- - - - -	-	200	
- - - - -	- - - - -	- - - - -	1794	200	
- - - - -	- - - - -	- - - - -	1807	600	
- - - - -	- - - - -	- - - - -	1823	800	
- - - - -	- - - - -	- - - - -	His son, 1827	200	} 1
- - - - -	- - - - -	- - - - -	5 Feb. 1798	1	
Great Seal - - -	Wholly in person -	- - - - -	- - - - -	- - -	-
-- Great Seal of the Province.	In person - - -	- - - - -	1818	2,400	2,400
- - - - -	- - - - -	- - - - -	- - - - -	- - -	-
-- Privy Seal of the Lieutenant-governor.	-- Duties generally per- formed by Deputy.	£. 25 paid by Principal	1822	600	600
- - - - -	- - - - -	- - - - -	- - - - -	200	200
- - - - -	- - - - -	- - - - -	- - - - -	- - -	-
-- Under Provincial Sta- tute.	-- Duties sometimes per- formed by Deputy.	-- All emoluments due to the Principal.	1810	1,000	} 5,200
-- His Majesty's Go- vernment.	- - - - -	- - - - -	- - -	4,200	
- - - - -	- - - - -	- - - - -	- - - - -	- - -	-
-- Deputy Postmaster- general, Quebec.	-- Duty performed by Deputy.	No stated sum -	1811	200	200
- - - - -	- - - - -	- - - - -	1802	200	200
- - - - -	- - - - -	- - - - -	1820	100	100
- - - - -	- - - - -	- - - - -	- - -	1,200	} 2,000
- - - - -	- - - - -	- - - - -	- - -	800	
- - - - -	- - - - -	- - - - -	- - -	- - -	-
- - - - -	- - - - -	- - - - -	1822	800	} 1,400
- - - - -	- - - - -	- - - - -	1816	600	
- - - - -	- - - - -	- - - - -	1819	500	500
Lieutenant-governor -	-- Duties requiring three Deputies.	-- One deputy at 20 l. per annum; two re- ceive one-fourth of their seizures.	2 May 1802	200 800	} 1,000
Patent - - - - -	-- Duty performed in person.	- - - - -	1814	1,000 200 1,200	
- - - - -	- - - - -	- - - - -	- - -	- - -	-
Lieutenant-gov ^r Hunter	-- Duty sometimes per- formed by Deputy.	-- Deputy receives half of the emolu- ments during his per- formance of the duty.	- - -	600	600
- - - - -	- - - - -	- - - - -	- - -	- - -	-
-- Great Seal of the Pro- vince.	-- By Principal assisted by a Deputy and Bailiff.	-- Deputy receives half of the emolu- ments.	- - -	- - -	-
- - - - -	- - - - -	- - - - -	- - -	- - -	-
-- Deputy Postmaster- general of British North America.	-- During absence of the Postmaster the duty is performed by a clerk.	-- The clerk receives 50 l. per annum out of the emoluments re- ceived by Principal.	11 June 1826	500	500
- - - - -	- - - - -	- - - - -	9 - 1804	200 800 10 1	} 811
- - - - -	- - - - -	- - - - -	- - -	- - -	
- - - - -	- - - - -	- - - - -	- - -	- - -	-
- - - - -	- - - - -	- - - - -	- - -	- - -	-

(continued)

N A M E.	Offices, Employments and Public Situations, Clerical and Lay, held by each Member.	Account of the Pay, Salary and Allowances, and Amount of Fees and other Emoluments received by each Officer.	Amount of Half-pay, Pensions, Superannuated or Retired Allowance, and for what Office or Situation.	Aggregate Amount received in the Year for all Offices or Employments.	Date of Appointment to each Office, Employment or Situation.
MEMBERS OF THE ASSEMBLY—continued.		£. s. d.	£. s. d.	£. s. d.	
Duncan M'Call -	- - - - -	- - -	- - -	- - -	- - -
Archibald M'Donald -	- - - - -	- - -	- - -	- - -	- - -
Donald M'Donald -	Treasurer Ottawa District -	30 - -	- - -	30 - -	1822
Archibald M'Lean -		180 - -	- - -	- - -	{ 10 Feb. 1817 3 Apr. -
Registrar, Stormont and Dundas		74 14 5½	- - -	- - -	
Registrar, Surrogate Court -		17 8 -	127 15 -	562 1 1½	
Alexander M'Martin -		162 3 8	- - -	- - -	{ 25 Jan. 1817 1825
Clerk of the Peace - - - - -		6 10 -	- - -	6 10 -	
Postmaster - - - - -		- - -	- - -	- - -	- - -
Allan M'Nabb -	- - - - -	- - -	- - -	- - -	- - -
Jean B. Macon -	- - - - -	- - -	- - -	- - -	- - -
William Morris -	- - - - -	- - -	- - -	- - -	- - -
Roswell Mount -	- - - - -	- - -	- - -	- - -	- - -
William H. Merritt -	Collector of Customs - - -	100 - -	- - -	- - -	- - -
Deputy Postmaster, St. Catharine's.		50 - -	- - -	150 - -	- - -
Heram Norton -	- - - - -	- - -	- - -	- - -	- - -
Peter Perry -	- - - - -	- - -	- - -	- - -	- - -
Hannet Pinkey -	- - - - -	- - -	- - -	- - -	- - -
Robert Randall -	- - - - -	- - -	- - -	- - -	- - -
William B. Robinson -	- - - - -	- - -	- - -	- - -	- - -
John P. Roblin -	- - - - -	- - -	- - -	- - -	- - -
James H. Samson -	- - - - -	- - -	- - -	- - -	- - -
Absalom Shade -	Deputy Postmaster - - -	12 10 -	- - -	12 10 -	1824
Peter Shaver -	- - - - -	- - -	- - -	- - -	- - -
Hugh C. Thomson -	Deputy Clerk of the Crown, Midland District.	20 - -	- - -	20 - -	1831
Philip Vankoughnett -	- - - - -	- - -	- - -	- - -	- - -
Asa Werden -	- - - - -	- - -	- - -	- - -	- - -
Reuben White -	- - - - -	- - -	- - -	- - -	- - -
John Willson -	Inspector of Shop, Still and Innkeepers' Licences.	54 - -	- - -	54 - -	Apr. 1816
William Wilson -	- - - - -	- - -	- - -	- - -	- - -

Each Member of the House of Assembly is allowed the sum of

Authority ; and the Tenure by which each Appointment is held.	Whether there are any Duties to be performed, and whether performed wholly in Person, or by Deputy or Deputies.	Amount of Pay, Allowances, Fees or Emoluments, each Deputy receives, and whe- ther paid by the Principal of the Office, or by the Go- vernment or other Funds, British or Colonial.	A Statement of all Grants of Land or other public Property received at any time from the British Government, or by the Governments of Upper or Lower Canada, to himself or any of his Children, with the Date and Extent of such Grant.		
			Date of Grant.	No. of Acres.	TOTAL.
- - - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -
- - By magistrates of the district at the gene- ral quarter sessions of the peace.	- - Duty performed by Deputy.	- - Deputy receives all fees.	1819	800	800
- - - - -	- - - - -	- - Deputy Co. Stor- mont, 50 <i>l.</i> per annum.	1816	600	1,400
Lieutenant-governor -	- - By Deputy during absence of Principal.	- - Deputy for Dun- das, half gross re- ceipts, paid <i>wholly</i> by Principal.	1823	800	
- - Deputy Postmaster- general.	- - During the absence of Principal, duty is per- formed by a Deputy.	- - Deputy receives the per-centage in full.	1811	200	200
- - - - -	- - - - -	- - - - -	31 July 1817	500	500
- - - - -	- - - - -	- - - - -	14 Dec. 1820	400	400
- - - - -	- - - - -	- - - - -	- - - - -	1,000	1,000
Lieutenant-governor -	- - Duties wholly per- formed by Deputies.	- - The Deputies re- ceive all the emolu- ments arising from the discharge of their duties.	1822 19 Feb. 1816	200 200	1,000
- - Deputy Postmaster- general.	- - - - -	- - - - -	- - - - -	800	
- - - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -
- - - - -	- - - - -	- - - - -	1819 or 1820	1,000	1,000
- - - - -	- - - - -	- - - - -	23 Feb. 1809	1,000	1,000
- - - - -	- - - - -	- - - - -	3 Dec. 1828	200	200
- - - - -	- - - - -	- - - - -	1829	200	200
- - - - -	- - - - -	- - - - -	1823	$\frac{1}{2}$	$\frac{1}{2}$
- - Deputy Postmaster- general.	- - By Deputy during absence of the principal.	- - Deputy receives all emoluments.	- - - - -	- - - - -	- - - - -
- - - - -	- - - - -	- - - - -	1800	200	700
- - - - -	- - - - -	- - - - -	1830	500	
Clerk of the Crown -	Duty performed in person	- - - - -	1815	200	402
- - - - -	- - - - -	- - - - -	1819	200	
- - - - -	- - - - -	- - - - -	1817	1	
- - - - -	- - - - -	- - - - -	1819	1	
- - - - -	- - - - -	- - - - -	18 Mar. 1818	200	701
- - - - -	- - - - -	- - - - -	3 Sept. -	1	
- - - - -	- - - - -	- - - - -	3 Dec. -	500	
- - - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -
- - - - -	- - - - -	- - - - -	- - - - -	1	1 $\frac{1}{2}$
- - - - -	- - - - -	- - - - -	- - - - -	$\frac{1}{2}$	
Lieutenant-governor -	Duty performed in person	- - - - -	1806	200	400
- - - - -	- - - - -	- - - - -	1818	200	
- - - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -

10 s. per day during attendance upon his Parliamentary Duties.

(3.)—LIST of the TITLES of all BILLS of a Public or General character, which, having originated in the House of Assembly during the Ten last Legislative Sessions, were rejected or declined to be acted upon by the Legislative Council, or which having been so sent up, were altered by the Legislative Council, so as to cause their subsequent rejection in the House whence they originated; or which having originated in, and been passed by the Legislative Council, were afterwards rejected by the Assembly; also of the TITLES of BILLS which, having been passed in the Legislative Council and Assembly, have been refused His Majesty's Sanction.

Fourth Session, Eighth Provincial Parliament. (1824.)

Titles of Bills originated in the House of Assembly, and rejected by the Legislative Council, or declined to be acted upon by that House:

Fourth Session,
Eighth Parliament.
(1824.)

An Act to repeal part of, and to amend an Act passed in the 50th year of the reign of his late Majesty George the Third, intituled, "An Act for granting to His Majesty a duty on Billiard Tables."

An Act to divide the county of Halton, in the Gore District.

An Act to repeal the 15th clause of an Act passed in the 38th year of his late Majesty's reign, intituled, "An Act for the better division of this Province, and to declare the counties of Lennox and Addington separate and independent Counties."

An Act to confirm certain Marriages in this Province.

An Act to authorize Ministers of the Society of Methodists to solemnize marriage in this Province.

An Act to provide for the erection of the county of Prince Edward into a separate District; and for other purposes therein mentioned.

An Act to amend the Laws now in force respecting the Courts of Probate, and Surrogate Courts in this Province.

An Act to repeal part of the sixth clause of an Act passed in the second year of His Majesty's reign, chapter third, and also part of the 23d clause of an Act passed in the 38th year of his late Majesty's reign, intituled, "An Act for the better division of the Province, and to provide for the better division of the District of Newcastle."

An Act to repeal an Act passed in the 44th year of the reign of his late Majesty George the Third, intituled, "An Act for the better securing this Province against all seditious attempts or designs to disturb the tranquillity thereof."

An Act to repeal part of and extend the provisions of an Act passed in the 38th year of his late Majesty's reign, intituled, "An Act to ascertain and establish on a permanent footing the boundary lines of the different Townships of this Province."

Titles of Bills originated in the House of Assembly, but afterwards rejected by that House, by reason of amendments made to them by the Legislative Council:

An Act to repeal the Laws now in force for the preservation of the Salmon Fishery in this Province, and to make more effectual provision for a limited time, for the preservation of the said Fishery.

Titles of Bills originated and passed in the Legislative Council, and rejected by the House of Assembly:

An Act to repeal an Act of Parliament made in England in the 21st year of the reign of his late Majesty King James the First, intituled, "An Act to prevent the destroying and murdering of Bastard Children," and to make other provisions in lieu thereof.

An Act to make further provision for settling the affairs of the pretended Bank of Upper Canada.

Titles of Bills passed by the Legislative Council and House of Assembly, from which the Royal Assent was withheld:

None.

First Session, Ninth Provincial Parliament. (1825.)

Titles of Bills originated in the House of Assembly and rejected by the Legislative Council, or declined to be acted upon by that House :

First Session,
Ninth Parliament.
(1825.)

An Act to extend to Persons charged with Felony the full benefit of Counsel.

An Act to authorize the Governor, Lieutenant-governor, or person administering the Government, to declare, by proclamation, the county of Prince Edward to be a separate District.

An Act to remove certain disabilities affecting *Unitas Fratrum*, or the United Brethren, Quakers, Menonists, Tunkers and Moravians, so far as to enable them to hold places of trust and profit in this Province.

An Act to incorporate sundry persons under the style and title of the Trustees of the Waterloo School-house, in the township of Kingston.

An Act to repeal an Act passed in the 44th year of his late Majesty's reign, chap. 1, intituled, "An Act for the better securing this Province against all seditious attempts or designs to disturb the tranquillity thereof."

An Act to enable certain Religious Societies to hold Lands for the purposes therein mentioned.

An Act to provide for the payment of Wages to Representatives of Towns in this Province.

An Act granting to His Majesty a sum of Money in aid of the Funds for defraying the expense of the Administration of Justice, and Support of the Civil Government of this Province.

Titles of Bills originated in the House of Assembly, but afterwards rejected by that House, by reason of Amendments made to them by the Legislative Council :

None.

Titles of Bills originated and passed in the Legislative Council, and rejected by the House of Assembly :

An Act to repeal the several Laws now in force relating to the late pretended Bank of Upper Canada, and to make further provision for settling the affairs of that institution.

Titles of Bills passed by the Legislative Council and House of Assembly, from which the Royal Assent was withheld :

An Act to alter and amend the Laws now in force for regulating the Commercial Inter-course between this Province and the United States, by land or inland navigation, and to make further provision for the same.

An Act to allow of the evidence of Quakers, Menonists, Tunkers and Moravians or members of the Protestant Church, called "*Unitas Fratrum*," in criminal cases and proceedings.

An Act to make perpetual an Act passed in the fourth year of His present Majesty's reign, intituled, "An Act granting to His Majesty a sum of Money for the purposes therein mentioned."

An Act for the relief of Reuben Alward.

Second Session, Ninth Provincial Parliament. (1826.)

Titles of Bills originated in the House of Assembly and rejected by the Legislative Council or declined to be acted upon by that House :

Second Session,
Ninth Parliament.
(1826.)

An Act for allowing persons tried for Felony, the benefit of a full defence by Counsel.

An Act to provide for the payment of the Representatives of Towns in this Province.

An Act for the more equal distribution of the Property of persons dying intestate.

An Act to remove certain disabilities affecting the people called Quakers, Menonists, Tunkers, and Moravians, so far as to enable them to hold places of honour and profit in this Province.

An Act to provide for the erection of the county of Prince Edward into a separate District.

An Act to secure to certain inhabitants of this Province rights and privileges as British subjects.

An Act to provide for the arrest in this Province of certain Offenders against the laws of the United States, and for their being delivered to the constituted authorities of the same.

An Act to afford relief to Debtors in execution for debt in certain cases.

An Act to divide the Midland District, and erect the county of Prince Edward into a separate District.

An Act to grant to His Majesty a sum of Money for the purposes therein mentioned.

Second Session,
Ninth Parliament.
(1826.)

Titles of Bills originated in the House of Assembly, but afterwards rejected by that House, by reason of Amendments made to them by the Legislative Council :

An Act to repeal an Act passed in the 44th year of his late Majesty's reign, chap. 1, intituled, "An Act for the better securing this Province against all seditious attempts or designs to disturb the tranquillity thereof.

An Act to enable Societies professing Christianity to hold Lands for certain purposes.

An Act to confirm and make valid certain Marriages heretofore contracted, and further to provide for the future solemnization of Marriages within this Province.

An Act to provide for the building a Gaol and Court House in the District of Gore, and to authorize the Magistrates to loan a sum of Money for that purpose.

Titles of Bills originated and passed in the Legislative Council, and rejected by the House of Assembly :

An Act to repeal the several Laws now in force relating to the late pretended Bank of Upper Canada, and to make further provision for settling the affairs of the said Institution.

An Act to confirm and quiet in the possession of their Estates, and to admit to the civil rights of Subjects, certain classes of Persons therein mentioned.

An Act to render Justices of the Peace more safe in the execution of their duty.

Titles of Bills passed by the Legislative Council and House of Assembly, from which the Royal Assent was withheld :

None.

Third Session, Ninth Provincial Parliament. (1827.)

Titles of Bills originated in the House of Assembly and rejected by the Legislative Council, or declined to be acted upon by that House :

Third Session,
Ninth Parliament.
(1827.)

An Act to allow persons tried for Felony the benefit of full defence by Counsel.

An Act to enable Religious Societies to hold Lands for certain purposes.

An Act to allow the same compensation to Members representing Towns as is now allowed by law to the Representatives of Counties in this Province.

An Act to provide for the erection of the county of Prince Edward into a separate District.

An Act for the more equal distribution of the Property of Persons dying Intestate.

An Act to authorize the sale of the Clergy Reserves within this Province.

An Act to authorize the use of an Initial Letter in the name of a Deponent making an Affidavit in any Court in this Province, when one baptismal name shall be given in full.

An Act to authorize the holding the Courts of Oyer and Terminer, Assize, and Nisi Prius, and General Gaol Delivery, in the district of Ottawa.

An Act to incorporate certain persons by the name of "The Bath School Society."

An Act to authorize the holding of the inferior Courts in each county within this Province as therein mentioned.

An Act to repeal part of, and amend the Law in force for the regulation of Juries.

An Act to confirm and make valid certain Marriages heretofore contracted, and further to provide for the future solemnization of Marriage within this Province.

An Act to compel the several Proprietors of Lands adjacent to the principal highway leading through this Province, from the eastern to the western extremity thereof, to perform certain duties upon the said Road, or to place an inhabitant upon such lands within the period therein prescribed.

An Act to repeal the Law now in force establishing District Courts in this Province, and to make further provision respecting District Courts.

An Act to grant to His Majesty a certain sum of Money for the purposes therein mentioned.

Titles of Bills originated in the House of Assembly, but afterwards rejected by that House, by reason of Amendments made to them by the Legislative Council :

An Act to repeal an Act passed in the 44th year of his late Majesty's reign, intituled, "An Act for the better securing this Province against all seditious attempts or designs to disturb the tranquillity thereof."

An Act to abolish the punishment of Whipping and Pillory.

An Act to close the proceedings under an Act passed in the 54th year of his late Majesty's reign, intituled, "An Act to declare certain persons therein described Aliens, and to vest their estates in His Majesty, after a limited period, and for other purposes therein contained."

Titles of Bills originated and passed in the Legislative Council, and rejected by the House of Assembly :

None.

Titles

LEGISLATIVE COUNCILS OF UPPER CANADA.

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Titles of Bills passed by the Legislative Council and House of Assembly, from which the Royal Assent was withheld :

Third Session,
Ninth Parliament.
(1827.)

An Act to provide for the more easy recovery of Estrays.

An Act to repeal part of an Act passed in the 4th year of His present Majesty's reign, c. 5, intituled, "An Act to divide the county of Carleton, in the Bathurst district."

An Act to provide for the Naturalization of such persons resident in this Province, at the period therein mentioned, as may not now be entitled by law to be regarded as natural born subjects of His Majesty.

An Act to confirm British Subjects in their titles to Real Estates in this Province, derived through Aliens.

An Act to authorize the holding the inferior Courts in the different counties of this Province, where the same are not now by law holden.

Fourth Session, Ninth Provincial Parliament. (1828.)

Titles of Bills originated in the House of Assembly and rejected by the Legislative Council, or declined to be acted upon by that House :

An Act to repeal an Act passed in the 44th year of his late Majesty's reign, intituled, "An Act for the better securing this Province against all seditious attempts or designs to disturb the tranquillity thereof."

Fourth Session,
Ninth Parliament.
(1828.)

An Act for the more equal distribution of the Property of Persons dying Intestate.

An Act allowing persons tried for Felony the benefit of full defence by Counsel.

An Act to repeal part of and amend the Law now in force for the regulation of Juries.

An Act to alter the Law of Imprisonment for Debt.

An Act to provide for a Police in the town of Belleville.

An Act to erect the county of Prince Edward into a separate District.

An Act to provide for the erection of the county of Norfolk into a separate District, and to re-annex the townships of Walpole and Rainham to said county, and the better to establish the limits of said county.

An Act to extend the limits of Gaols in this Province.

An Act for the relief of Robert Randal, and to give to the Honourable John Walpole Willis certain powers therein mentioned.

An Act to enable the Canada Company the more conveniently to perfect Titles to Lands sold by them.

Titles of Bills originated in the House of Assembly, but afterwards rejected by that House, by reason of Amendments made to them by the Legislative Council :

An Act for the more easy recovery of Dower.

An Act to amend the Laws respecting the appointment of Overseers of Highways and Pound keepers.

An Act to make valid certain Marriages heretofore contracted, and to provide for the future solemnization of Matrimony in this Province.

An Act to ascertain the numbers of the different Religious Denominations within this Province.

Titles of Bills originated and passed by the Legislative Council, and rejected by the House of Assembly :

An Act to enable Creditors to receive their just Debts out of the effects of their absent or absconding Debtors.

An Act authorizing the formation of Militia Rifle Companies.

An Act directing the proceedings against Forcible Entry and Detainer, and providing a more speedy remedy for Landlords against obstinate Tenants.

An Act to provide for the erection of Partition Fences.

An Act to provide for the more summary punishment of certain Trespassers.

Titles of Bills passed by the Legislative Council and House of Assembly, from which the Royal Assent was withheld :

An Act for the relief of Daniel Erb and other Persons whose names are therein mentioned.

First Session, Tenth Provincial Parliament. (1829.)

Titles of Bills originated in the House of Assembly and rejected by the Legislative Council, or declined to be acted upon by that House :

First Session,
Tenth Parliament.
(1829.)

An Act to repeal an Act passed in the 56th year of the late King, granting to His Majesty a sum of Money towards defraying the expenses of the Civil Administration of the Government of this Province.

First Session,
Tenth Parliament.
(1829.)

- An Act for the more equal distribution of the Property of Persons dying Intestate.
- An Act to declare the boundaries of the county of Norfolk, and to erect the same into a separate District.
- An Act to enable the denomination of Christians called Unitarians to hold Land for certain purposes therein mentioned.
- An Act for the remuneration of Robert Randal, Esq. for valuable services rendered this Province while in England.
- An Act to provide for the disposal of a part of the Clergy Reserves in this Province.
- An Act for the payment of Wages to Town Members.
- An Act to erect the county of Prince Edward into a separate District.
- An Act to extend the limits heretofore assigned to the respective Gaols in this Province.
- An Act to amend the Law respecting Contracts and Evidence in certain respects.
- An Act to amend the Law respecting the Police of the Town of Kingston.
- An Act to borrow a sum of Money in England.
- An Act to grant a certain sum of Money to His Majesty for the remuneration of the persons therein mentioned.
- An Act to amend the Laws now in force for preventing the sale of Spirituous Liquors without licence.
- An Act to authorize the appointment of Commissioners of Roads and other officers for the management of the Highways, at the several Township Meetings within this Province.
- An Act to facilitate the issuing, service and return of Process in the District Courts in the several districts of this Province.
- An Act granting to His Majesty a sum of Money for the improvement of the Roads and Bridges in this Province.
- An Act to continue for one year certain Acts relating to Shop and Tavern Licences.
- An Act to remove difficulty respecting the appropriation of certain Fines imposed by law, and thereby to provide more effectually for the carrying into operation certain Acts for punishing breaches of the Sabbath and other offences.
- An Act to repeal an Act passed in the 7th year of His present Majesty's reign, intituled, "An Act to authorize the raising by Debenture a sum Money, to be applied in erecting Buildings for the use of the Legislature," and to authorize the repair of the old Parliament buildings.
- An Act to regulate Partition Fences and Ditches in Sandwich, in the Western District.

Titles of Bills originated in the House of Assembly, but afterwards rejected by that House, by reason of Amendments made to them by the Legislative Council :

- An Act to incorporate the Trustees of the Grantham Academy.
- An Act for the appointment of Commissioners to treat on the part of this Province with Commissioners on the part of the Province of Lower Canada, on matters of mutual interest between the said Provinces.

Titles of Bills originated and passed in the Legislative Council, and rejected by the House of Assembly :

- An Act directing the Proceedings against forcible Entry and Detainer.
- An Act to provide for the more summary punishment of certain Trespassers.
- An Act to confirm British Subjects in their Titles to Real Estates in this Province derived from or through Aliens.

Titles of Bills passed by the Legislative Council and House of Assembly, from which the Royal Assent was withheld :

- An Act for the Relief of Mary Lawrence.
- An Act to encourage Emigration from foreign parts into this Province.

Second Session, Tenth Provincial Parliament. (1830.)

Titles of Bills originated in the House of Assembly and rejected by the Legislative Council, or declined to be acted upon by that House :

Second Session,
Tenth Parliament.
(1830.)

- An Act to make valid certain Marriages heretofore contracted, and to provide for the future solemnization of Matrimony in this Province.
- An Act to erect the county of Prince Edward into a separate District.
- An Act for the more equal distribution of the Property of Persons dying Intestate.
- An Act to repeal the law now in force granting a Salary to the Chaplain of the House of Assembly.
- An Act to allow persons tried for Felony the benefit of full defence by Counsel.
- An Act to incorporate certain persons by the style and title of "The Associated Farmers Company of the Home District, and parts adjacent."
- An Act to provide for registering of Deeds and other Conveyances within this Province, the same being executed in foreign countries.
- An Act to provide for the disposal of a part of the Clergy Reserves in this Province.
- An Act to render Sheriffs and their Deputies ineligible to a Seat in the House of Assembly in certain cases.

An Act to declare the Boundaries of the county of Norfolk, and to erect the same into a separate District.

An Act to appoint Commissioners, on the part of this Province, to treat with Commissioners on the part of Lower Canada, on matters of mutual interest.

An Act assigning Yards for the benefit of the health of Debtors confined in the respective gaols in this Province.

An Act concerning the Law of Libel.

An Act to declare and define the duties of Steward.

An Act the better to provide for the return and empannelling of Juries.

An Act to require that Justices of the Peace, and the Treasurers of the several districts of this Province to publish their District Accounts.

An Act to remunerate Robert Randall, Esquire, for valuable services rendered this Province while in England.

An Act for the better preservation of Salmon within this Province.

An Act to provide for filling vacancies that may occur by the death, removal, or neglect or refusal to act by any of the Commissioners appointed by an Act passed in this present Session of Parliament, intituled, "An Act granting to His Majesty a sum of Money for the improvement of the Roads and Bridges in this Province."

An Act to exclude the Judges from the Legislative and Executive Council.

An Act to provide good understanding among neighbours, and to lessen the number of expensive Law-suits, by establishing Courts of Pacification in this Province.

An Act to incorporate certain persons under the style and title of "The President, Directors and Company of the Commercial Bank of Upper Canada."

An Act to relieve the Quakers, Menonists and Tunkers from the payment of Fines or Commutation Money in lieu of the performance of Militia duty in time of peace.

An Act to establish Upper Canada College.

An Act to repeal an Act passed in the 56th year of the reign of his late Majesty, intituled, "An Act for granting to His Majesty a sum of Money towards defraying the expenses of the Civil Administration of the Government of this Province."

An Act to provide for the service of Process and other legal proceedings upon certain persons carrying on business in this Province under the name and style of the Canada Company.

An Act to continue for a limited time an Act passed in the 4th year of His Majesty's reign, intituled, "An Act further to regulate by law the commercial intercourse of the Province of Upper Canada with the United States of America, so far as regards the duty imposed on Cider and Beer."

Titles of Bills originated in the House of Assembly, but afterwards rejected by that House, by reason of Amendments made to them by the Legislative Council:

An Act to provide for the erection of Line or Division Fences in this Province, and for the construction of Watercourses in the Eastern and Western Districts.

An Act to repeal part of and amend the Laws now in force for preventing the sale of Spirituous Liquors by Retail without Licence.

An Act for the Regulation of District Offices in this Province.

Titles of Bills originated and passed in the Legislative Council, and rejected by the House of Assembly:

An Act for the protection of the interests of certain bodies of Indians in this Province.

Titles of Bills passed by the Legislative Council and House of Assembly, from which the Royal Assent was withheld:

An Act for the relief of Henry Weeks.

An Act to impose an additional Duty on Shop Licences, and to revive and continue, with modification, for a limited time, the Law which has recently expired for imposing a Duty on Licences to sell, by wholesale, Wine, Brandy and other Spirituous Liquors.

First Session, Eleventh Provincial Parliament. (1831.)

Titles of Bills originated in the House of Assembly and rejected by the Legislative Council, or declined to be acted upon by that House:

An Act to allow persons tried for Felony the benefit of full defence by Counsel, and to regulate, in some other respects, the practice in Criminal cases.

An Act to prevent the consumption of Wine, Brandy, Rum and other Spirituous Liquors within Shops.

An Act to incorporate certain persons under the style and title of "The President, Directors and Company of the Commercial Bank of Upper Canada."

An Act for incorporating the President and Board of Police of Brockville, and for establishing a Market in the said Town.

An Act to repeal part of, and amend the Laws now in force establishing a Police in the Town of Kingston, and to provide for the election of a Council to regulate the Police of the said Town.

An Act granting a sum of Money for the encouragement of the Grantham Academy.

An Act granting to His Majesty a sum of Money to remunerate Valentine Gill, and certain officers and servants of the Legislature, for services rendered by them.

First Session,
Eleventh Parliament.
(1831.)

Titles of Bills originated in the House of Assembly, but afterwards rejected by that House, by reason of Amendments made to them by the Legislative Council:

An Act to appoint Commissioners to treat with Commissioners appointed on the part of the Province of Lower Canada, for the purposes therein mentioned.

An Act to make certain Regulations relating to the office of Sheriff, and to require the several Sheriffs of this Province to give security for the due fulfilment of the duties of their office.

Titles of Bills originated and passed in the Legislative Council, and rejected by the House of Assembly:

An Act to remove doubts respecting the Jurisdiction of Commissioners of Customs in this Province.

An Act for the discharge of Debtors in execution for small debts, from imprisonment in certain cases.

An Act to dispense with the necessity of taking certain Oaths, and making certain Declarations in the cases therein mentioned, and also to render it unnecessary to receive the Sacrament of the Lord's Supper as a qualification for offices, or for other temporal purposes.

An Act to facilitate summary proceedings before Justices of the Peace, and to afford to such Justices reasonable protection in the discharge of their duty.

An Act to remove doubts respecting the Jurisdiction over Offences committed upon the Lakes and Rivers in this Province.

An Act to prevent the operation, within this Province, of an Act of Parliament made in England in the 21st year of the reign of King James the First, intituled, "An Act to prevent the destroying and murdering of Bastard Children," and to make other provisions for the prevention and punishment of Infanticide.

An Act to provide that none of the Ordinances made by the Governor and Legislative Council of the Province of Quebec, shall continue to have the force of law in this Province.

Titles of Bills passed by the Legislative Council and House of Assembly, from which the Royal Assent was withheld:

None.

Second Session, Eleventh Provincial Parliament. (1832.)

Titles of Bills originated in the House of Assembly and rejected by the Legislative Council, or declined to be acted upon by that House:

Second Session,
Eleventh Parliament.
(1832.)

An Act to repeal so much of the Law now in force as authorizes the payment of a Salary to a Chaplain of the House of Assembly.

An Act concerning the Law of Libel.

An Act to appoint Commissioners to treat with Commissioners appointed or to be appointed on the part of the Province of Lower Canada, for the purposes therein mentioned.

An Act to regulate the Prices to be charged for printing Official Advertisements.

An Act to repeal part of an Act passed in the 33d year of the reign of King George the Third, intituled, "An Act to fix the time and places of holding the Courts of General Quarter Sessions of the Peace within the several districts of this Province, and to authorize the holding of the Quarter Sessions of the Midland District at Kingston and Belleville alternately."

An Act to repeal so much of an Act passed in the 59th year of the reign of his late Majesty King George the Third, intituled, "An Act to repeal part of and amend the Laws now in force for establishing Public Schools in the several districts of this Province, and to extend the provisions of the same, as relates to the opening and keeping the District School for the London District at the town of Vittoria, and to authorize the holding of the said District School at the town of London in the said District."

An Act to regulate Line Fences and Watercourses.

An Act for the more equal distribution of the Property of Persons dying Intestate.

An Act to allow persons tried for Felony the benefit of full defence by Counsel, and certain other privileges therein mentioned.

An Act relating to the Bailing, Commitment, Removal and Trial of Prisoners in certain cases.

An Act granting to His Majesty a sum of Money, to be raised by Debenture, and expended in the improvement of Roads and Bridges in the several districts of this Province.

An Act granting a sum of Money for the encouragement of the Grantham Academy.

An Act to remunerate the Arbitrator therein referred to for certain services rendered by him.

An Act granting to His Majesty a sum of Money for the support of the Civil Government and the Administration of Justice in this Province.

Titles of Bills originated in the House of Assembly, but afterwards rejected by that House, by reason of Amendments made to them by the Legislative Council:

An Act to provide for the completion of the Parliament Buildings.

Titles of Bills originated and passed in the Legislative Council, and rejected by the House of Assembly:

An Act to provide that none of the Ordinances made by the Governor and Legislative Council of the Province of Quebec shall continue to have the force of law in this Province.

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An Act to dispense with the necessity of taking certain Oaths and making certain Declarations in the cases therein mentioned, and also to render it unnecessary to receive the Sacrament of the Lord's Supper as a qualification for Offices, or for other temporal purposes.

An Act to constitute a new Court of Appeal for revising the Judgments of the Court of King's Bench.

An Act to authorize the transporting of Offenders.

An Act for the relief of Roman-catholic Congregations in this Province.

An Act to facilitate legal remedies against Corporations.

An Act to make further provision for carrying into effect an Act passed in the 56th year of the reign of King George the Third, intituled, "An Act to afford relief to persons holding or possessing Lands, Tenements or Hereditaments in the District of Niagara.

An Act to protect the interests of persons whose Lands shall be sold for the payment of Assessments in arrear.

Titles of Bills passed by the Legislative Council and House of Assembly, from which the Royal Assent was withheld:

An Act to protect the interests of Captain Alexander Shaw.

Second Session,
Eleventh Parliament.
(1832.)

Third Session, Eleventh Provincial Parliament. (1833.)

Titles of Bills originated in the House of Assembly and rejected by the Legislative Council, or declined to be acted upon by that House:

An Act to declare the qualification of Voters for Members to represent certain Towns in the House of Assembly in this Province.

An Act to incorporate certain persons under the style and title of "The President, Directors and Company of the Saint Catharine's Bank, in the Niagara District."

An Act to establish a Police in the town of Prescott, in the Johnstown District.

An Act to repeal part of an Act passed in the 33d year of the reign of King George the Third, intituled, "An Act to fix the times and places of holding the General Quarter Sessions of the Peace in the several districts of this Province;" and also to repeal part of a certain other Act passed in the 41st year of the reign of King George the Third, intituled, "An Act to remove doubts with respect to the authority under which the Courts of General Quarter Sessions of the Peace and other Courts have been erected and holden, and other matters relating to the administration of Justice done in the several districts of this Province, and also to fix the times of holding the Quarter Sessions of the Peace in and for the same, and to authorize the holding of the General Quarter Sessions of the Peace of the Midland District, at Kingston and Belleville alternately."

An Act to explain the provisions of an Act passed at the last session of the Legislature, intituled, "An Act for altering and amending the Charter of the President, Directors and Company of the Bank of Upper Canada, and for increasing the number of shares to be held in the capital stock of the said Company."

An Act to repeal and reduce into one Act the several Laws now in force establishing District Courts, and regulating the practice thereof; and also to extend the powers and jurisdiction of the said District Courts and further to regulate the practice of the said District Courts.

An Act to establish a Police in the town of Cornwall, in the Eastern District.

An Act to authorize His Majesty's Receiver-general to issue Provincial Notes, chargeable upon the Public Revenues of this Province.

An Act granting to His Majesty a sum of Money to remunerate certain services therein mentioned.

Titles of Bills originated in the House of Assembly, but afterwards rejected by that House, by reason of Amendments made to them by the Legislative Council:

An Act for the more convenient recovery of Estreats.

An Act for amending the Law of Evidence in certain cases.

Titles of Bills originated and passed in the Legislative Council, and rejected by the House of Assembly:

An Act to authorize the transporting of Offenders.

An Act to facilitate the remedy of Replevin.

Titles of Bills passed by the Legislative Council and House of Assembly, from which the Royal Assent was withheld:

An Act to extend to certain persons the Civil and Political Rights of natural-born Subjects.

Clerk of Assembly's Office,
York, Upper Canada,
26 March 1833.

James Fitz-Gibbon,
Clerk of Assembly.

UPPER CANADA LEGISLATURE.

R E T U R N S

RELATING TO

THE LEGISLATIVE COUNCILS OF
UPPER CANADA.

(*Mr. Hunt.*)

*Ordered, by The House of Commons, to be Printed,
25 June 1833.*

U P P E R C A N A D A.

RETURN to an Address to HIS MAJESTY, dated 6 February 1833;—for,

COPY OF THE

REPORTS of the Two Select Committees to whom were severally referred PETITIONS addressed to the House of Assembly of *Upper Canada*, in the Session of the Provincial Legislature 1828, complaining of improper Conduct on the part of Captain *George Phillpotts*, of the Royal Engineers, and other Wrongs, and of the Administration of Justice; with the Evidence attached to these Reports, as presented to the House on the 24th March 1828, by Mr. *Rolph* and Mr. *Beardsley*; with the Proceedings of the House in the Case of Colonels *Givens* and *Coffin*, Heads of Departments, who were sent to Gaol for refusing to give Testimony in the matter of Captain *Phillpotts*, they severally alleging to the House, that the Major-general then commanding would not permit them to attend; together with the Proceedings, if any, which have been had thereon by His Majesty's Government, or the local Authorities.

Colonial Department, Downing-street, }
10 July 1833. }

R. W. HAY.

SCHEDULE.

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| <p>1.—Copy of a Despatch from Major-general Sir John Colborne to Viscount Goderich, dated Upper Canada, 11 Jan. 1833 - page 2</p> <p>2.—Copy of a Despatch from Lieutenant-general Sir P. Maitland to Mr. Secretary Huskisson, dated Upper Canada, 29 March 1828 - p. 19</p> <p>3.—Copy of a Despatch from Secretary Sir G. Murray to Major-general Sir J. Colborne dated Downing-street, 20 Oct. 1828 - p. 24</p> | <p>4.—Copy of a Despatch from Mr. Secretary Stanley to Lieutenant-general Sir P. Maitland, dated Downing-street, 20 June 1833 - p. 24</p> <p>5.—Copy of a Despatch from Lieutenant-general Sir P. Maitland to Mr. Secretary Stanley, dated London, 24 June 1833 - - p. 24</p> |
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(Mr. Hume.)

Ordered, by The House of Commons, to be Printed,
18 July 1833.

 UPPER CANADA.

No. 1.

COPY of a DESPATCH from Major-general Sir *John Colborne*
to Viscount *Goderich*.

MY LORD,

Upper Canada,
York, 11th January 1833.

I HAVE the honour to forward to you the accompanying documents, with reference to your Lordship's Despatch of the 29th of August, in which was transmitted a Copy of Resolutions of the House of Commons, respecting certain Petitions addressed to the House of Assembly of Upper Canada, in the Session of the Provincial Legislature of 1828, and to acquaint your Lordship, that as the circumstances connected with Forsyth's Petition could not be understood without a Report from Chief Justice Robinson, who was Attorney-general at the time Forsyth brought his action for trespass, I have considered it necessary to call on the Chief Justice for such explanations connected with the affair as he might be able to afford, and to forward them for the information of the House of Commons.

I have, &c.

(signed) *J. Colborne.*

LETTER from Chief Justice *Robinson* to Lieutenant-colonel *Rowan*, Secretary,
&c. &c. &c.

SIR,

York, 31st December 1832.

I HAVE the honour to acknowledge the receipt of your Letter, transmitting some Resolutions of the House of Commons, in consequence of which, his Excellency the Lieutenant-governor has been desired to furnish copies of certain proceedings in the Assembly of this province, upon Petitions preferred by William Forsyth.

In reply, I beg leave to state, that the specific call for information which the House of Commons has made, would be answered, as it appears to me, by merely transcribing from the journals of the Assembly the Reports referred to, and the evidence appended to them, and transmitting those papers to England. If the object of his Excellency's reference to me is to obtain any further information on the subject of those complaints which it is in my power to give, I can have no objection to state such facts as are within my knowledge, according to the best of my recollection. The Reports alluded to have not, so far as I am aware, engaged any attention in this country, either in the Legislature or out of it, for some years. I have long ceased to think of them; and it is more than three years since I filled the situation under the Government which gave me official knowledge of the matters they refer to. It is therefore probable, that some minor circumstances may have passed from my mind, but I apprehend the following Statement will be found to be in substance correct.

The township of Stamford and the other townships on the river Niagara, as well as some other parts of this province, were surveyed and laid out into lots before the division of the province of Quebec into Upper and Lower Canada, some time between the years 1785 and 1790, and while General Haldimand administered the Government of Canada. In laying out the lands on the river Niagara, a reservation of a chain in width (66 feet) was made along the top of the bank, partly, I think, with a view to the military defence of the province, and partly for the purpose of preserving a convenient communication.

The river, which in many places is of very moderate width, constitutes a boundary between us and the United States of America; and it no doubt occurred to the Government, that in the event of war, it might be necessary to construct batteries and other works upon the bank to repel invasion, or to command the passage of the river. In the war which occurred in 1812, batteries were in fact constructed at numerous points along the river.

In more recent surveys, made under the authority of the Government of Upper Canada, it has been thought obviously proper for other reasons, and independently of these considerations, to reserve to the Crown, for the public convenience, the space of a chain along rivers and other waters of far less importance than the Niagara. Such a reservation, by preserving the land open, affords to all persons access to the water without trespassing upon the lands of private proprietors.

After General Simcoe assumed the government of Upper Canada as a separate province, (in the year 1792) the particular public reservations which had been made along the Niagara river in the original surveys were designated, and reported to him by the surveyor

who

who had made those surveys under the authority of the Government. Among these (for there were others at particular points) was the general reservation I have mentioned, of one chain from the top of the bank along the river Niagara.

The Letters Patent afterwards issued by the Provincial Government to the several grantees specified this reservation or exception. It was a matter perfectly notorious and well understood, and no doubt or difficulty that I have heard of ever arose upon the subject for nearly forty years, and until Mr. Forsyth, in the year 1826 or 1827, took upon himself to inclose with a high post and rail fence the allowance or reservation of one chain along the bank of the river in front of his own lands; and the effect of making this inclosure in the place and manner in which it was made, was to exclude the public from access to the great natural curiosity, the Falls of Niagara, except such persons as he might permit to go through his house or premises to the bank of the river. Mr. Forsyth kept the principal inn at that time at the Falls, and owned the adjoining lands for a long distance along the river, including those points to which all strangers resort to view the Cataract.

The public were annoyed at this act of Mr. Forsyth's, and applied by petition to the Lieutenant-governor for redress. This Petition I have seen, it was signed by the most respectable inhabitants of the country, and I think the Lieutenant-governor was repeatedly applied to, and the necessity urged upon him of having this unauthorized obstruction removed. I have now in my possession the statements made on oath and preferred to the Lieutenant-governor by the keeper of an hotel in the vicinity, complaining of the oppressive consequences to him of this vexatious usurpation by Mr. Forsyth.

The reservation of a chain along the river had, it seems, been commonly regarded as made for military purposes rather than for civil, and looking upon it in that light, as I suppose Sir Peregrine Maitland, who then resided in the district of Niagara, and within a few miles of the reserve in question, and who was then Major-general commanding, referred to the engineer officer in charge in that district, and instructed him to see that the space was kept open, as it had been and as it ought to be. This officer, Captain Phillpotts, after Mr. Forsyth had been requested in vain to remove his fence, thought himself bound by his instructions to see that it was removed, and taking a small party of soldiers in their fatigue dresses, he did, in the presence of Mr. Forsyth, cut or pull down the fence, and throw open the land again to the public; and he also pulled down and removed a small blacksmith's shop, made of boards, which had been placed on the reserve. No force was necessary for overcoming any personal resistance, for none was made. To prevent the possibility of encroaching upon Mr. Forsyth's property, Captain Phillpotts procured the attendance of a Mr. Jones, the very same sworn surveyor who had made the original official survey of the ground nearly forty years before, and it was of the land marked out by him as the public reservation that possession was taken. It appears also that to prevent a misstatement of his proceedings, Captain Phillpotts had requested the sheriff of the district, who lives near the premises, to be present and observe what was done. The sheriff did attend, but took no part. The soldiers, in obedience to their orders, pulled down the fence, and Mr. Forsyth, who was present, remonstrated and declared that he would prosecute for this trespass, as he called it, upon his property. The pickets and other materials not having been removed from the ground, Mr. Forsyth soon afterwards set up the fence again, and excluded the public as before; and Captain Phillpotts again took it down, with no additional circumstances of force, and no more direct resistance on the part of Mr. Forsyth.

For these two acts, Mr. Forsyth brought civil actions, one against the sheriff and Captain Phillpotts jointly, for the first removal of the fence and building, and the other against Captain Phillpotts alone for the second removal of the fence. Captain Phillpotts reported to Sir Peregrine Maitland, that he had been thus prosecuted for acts done in obedience to the orders he had received, and I, being the attorney-general at that time, was instructed to defend those suits, and to take the necessary measures for vindicating the right of the Crown.

My first knowledge of the circumstances I have detailed above, was acquired after I had been so instructed, and I relate the facts from my recollection of the evidence given afterwards upon the trial.

I pleaded specially to the actions, in such a manner as to bring in issue the right of the Crown to the space of land in question. Mr. Forsyth took issue on that right, not relying upon or asserting in his pleadings that any unwarrantable or excessive violence had been used, or any wrong committed in case the land was the property of the Crown, but simply denying that fact, and asserting the property to be his. To set that point at rest in the most formal manner, I filed an information of intrusion against him on the part of the Crown, for his act in taking possession after the removal of his fence, and to this information he pleaded not guilty. Thus in three several actions or cases, the opportunity was afforded of trying the question by juries of the country. It was fully investigated, and upon the clearest testimony decided against Mr. Forsyth's pretensions. He failed in his action against Captain Phillpotts and the sheriff, and a verdict was rendered against him on the information of intrusion. Upon this verdict, judgment was entered, and a writ of *Amoveas manus* sued out and executed. Upon the trials he maintained his pretensions to the ground inclosed, by giving a peculiar construction to the words, "top of the bank," and endeavouring to apply them to the top of a *lower bank*, confining the river at an inaccessible point, and to which lower bank no person could pass from what is actually the "top of the bank," and more especially after he had inclosed the space in question.

This construction, repugnant to reason, was clearly repelled by various proofs, and especially by the evidence of the very surveyor, still living, who laid out the ground in the year

1789, who was examined as a witness at the trial, and whose explanations were confirmed by a survey recently made by another most respectable surveyor. It was proved that the lines of the lots, as originally marked out, were never produced further than within one chain of the High Bank, or commencement of the Table Land; and, moreover, the actual contents of the lots themselves furnished internal evidence of this fact. I have also in my possession the evidence on affidavit of a man still living, who was chain-bearer on the original survey, and of another highly respectable inhabitant of the province, who was residing in Stamford at the time. This additional testimony I became accidentally aware of since the trials, and they are conclusive, as it seems to me, upon the point in issue.

It was while his action against Captain Phillpotts and the sheriff was pending, and a few months before it was to be tried, that Mr. Forsyth made these statements to the Assembly, the natural effect of which would be to elicit a discussion calculated to inflame the public mind, by exciting a jealousy of military interference; and from this excitement he probably expected an advantage in his contest with the Government upon the question of right. His Petition was entertained and referred to a Select Committee, who received such evidence as they chose, and made the Report upon it, which appears on their journals. It will be seen that this Report was brought in at the very close of the session; no question, upon its reception, was ever moved in that body, nor were the opinions expressed in it made the subject of discussion or vote. It has therefore no other sanction than the opinion of the Committee upon an *ex parte* hearing; and if I am entitled to assume that truth must be regarded in a legislative body, I may venture to assert that such a Report could not have been approved if it had been made the subject of open discussion. In the face of whatever attempts were made by the petitioner to excite prejudice, the jury came to the conclusion I have stated. The notes taken of the evidence by the Judge who presided at the trial have most probably been preserved by him, and a copy might be procured, if for any purpose it should be desired.

I will add further, that no exception to the verdict of the jury was attempted to be raised by Mr. Forsyth—no new trial was moved for. In the four years that have elapsed since, I do not recollect that in the Legislature or elsewhere the subject has excited any interest. Mr. Forsyth does not now own any part of the property in question, having sold it to persons who, I am convinced, will never pretend that they have a right to inclose the public reservation to which he asserted a claim.

With respect to the reasonableness of the complaint as to military interference, I think it would be difficult to find in His Majesty's service an officer less open to the imputation of arbitrary conduct, and a disregard of civil rights, than Sir Peregrine Maitland. When he took the step complained of, he was doubtless sufficiently aware how easy it is in a certain temper of men's minds, to make a trifling matter the cause of an unjust excitement; and had he thought of nothing but his own ease, he would probably have declined giving any direction to the engineer officer to remove the nuisance complained of, and he might have told those who petitioned for his interference, that they must submit to Mr. Forsyth's encroachments upon the public right, and await the result of an information for intrusion. An individual whose property had been thus trespassed upon would have had a clear right by law to abate the nuisance, and it seemed no unreasonable expectation that the Government should protect its rights as firmly and promptly as individuals may. It was the natural impatience of the public under the vexatious act of Mr. Forsyth that led the Government, for their sake, to the measure which occasioned, for a time, no little trouble.

Whether it would have been more judicious in Sir Peregrine Maitland to have taken any other course, I need not presume to offer an opinion; having known nothing of the act complained of until after it had taken place, no responsibility rested with me as Crown officer; and so far as respects any legal question, I need assume no responsibility now; but without pretending to decide the matter in its strictly legal point of view, I must say I have not much doubt that if, in any part of England or in the United States of America, an intruder were to insist upon encumbering a barrack square with his waggon, or were to plant posts and rails in a parade ground, the nuisance would be removed under the direction of an officer on the spot.

The House of Commons has also called for information respecting "the proceedings of the Assembly of this province, in the case of Colonels Givins and Coffin, heads of departments, who were sent to gaol for refusing to give testimony in the matter of Captain Phillpotts, they severally alleging to the House, that the Major-general then commanding would not permit them to attend; together with the proceedings, if any, which have been had thereon by His Majesty's Government or by the local Authorities."

I was attorney-general at that time, and have a general recollection of the matter here referred to. In that session of the Legislature (1828), as will be seen by inspection of the journals, there were a number of Select Committees conducting inquiries into various public matters. It had been the constant usage of the Assembly, in past years, when any of their Committees desired that an officer of the Government should attend them as a witness, to send an address to the Lieutenant-governor, communicating their wish and specifying the subject on which the evidence of the witness was required. The order then proceeded, as a matter of course, from the Lieutenant-governor to the officer to attend the Committee. Whether this was the proper course, having a due respect to the privileges of the different branches of the Government, or whether it was a wholly unnecessary courtesy, I do not pretend to determine, but it had been usually, if not invariably, followed. One of the Select Committees in this session required the evidence of Colonel Coffin, the Adjutant-general of Militia, and of Colonel Givins, the Chief Superintendent of Indian Affairs,

Affairs; and instead of addressing themselves to the Lieutenant-governor, as had been usual, the Select Committee sent, it seems, a summons directly to those gentlemen. I do not mean to say, speaking as I do merely from memory, that this was the first instance of a variance from the former usage spoken of; but at all events the departure from that usage was of very recent date, and the officers in question having received the summons, reported the fact to Sir Peregrine Maitland, and prayed his instruction. The object of inquiry (unless I am much mistaken) was not stated in the summons, and the Lieutenant-governor or Commander of the Forces, in whichever capacity Sir Peregrine Maitland conceived he was acting, (and considering the nature of the duties discharged by those officers, or by one of them certainly, I should suppose he acted in the former,) being left quite uninformed on that point, desired them not to attend, meaning, I take it for granted, by that course to insist upon the right of being made acquainted with the subject of investigation upon which the testimony of these public officers was desired. Colonels Givins and Coffin, obeying the orders of the Lieutenant-governor, did not attend. The Assembly resolved that their refusal was a contempt, and committed them. They afterwards brought an action of false imprisonment against the Speaker, but they did not recover, for the legality of the imprisonment, that is, the right of the House to commit for what they had adjudged to be a contempt, was confirmed by the Court of King's Bench by a solemn judgment rendered in another cause then pending which involved the same question.

If, in making this statement from memory, I have fallen into any error, a reference to the journals will perhaps correct it; and as Sir Peregrine Maitland is now in England, if I have misapprehended or have stated imperfectly the grounds on which he acted, he can of course more correctly explain them.

I observe it is stated in the resolutions of the House of Commons, that the officers referred to were required to give evidence in the matter of Captain Phillpotts.

I am not under the impression that any connexion between the two matters was expressed in the notice given to the officers to attend, or was understood at the time of the occurrence, though of course the Select Committee and the Assembly were aware of it, and the Government must soon afterwards have known it, if they did not at first. But, however this may be, I am satisfied that no desire to keep from the Select Committee any information that Colonel Givens or Colonel Coffin could give respecting Captain Phillpotts or Mr. Forsyth could have had the slightest influence with the Lieutenant-governor. I cannot see how there could have been any room for such a motive; I do not recollect that I ever exchanged a word with either of those gentlemen on the subject of Mr. Forsyth's complaints; but from the very nature of the thing, from their duties and characters and occupations, I am persuaded in my own mind that, whatever Mr. Forsyth may have imagined, they could have had nothing more to tell respecting that transaction that could affect either the Lieutenant-governor or Captain Phillpotts than any two officers that might have been taken at random from any regiment at that time in His Majesty's service. The House of Assembly did not in any subsequent session require their evidence on any complaint of Mr. Forsyth's, and if they did in fact know any thing that Mr. Forsyth himself considered important, it was singular that they were not heard of upon the trial which afterwards took place, when their evidence must have been most material if it could have affected either his rights or the amount of damages which he claimed, and when their attendance could have been procured as a matter of course upon an ordinary subpoena.

In one of the petitions of Mr. Forsyth there are reflections cast upon the administration of justice in this province, and particularly upon the conduct of the Crown officers, upon whom the duty is imposed of conducting criminal prosecutions in the Courts of Oyer and Terminer; and in the evidence given by him before the Select Committee, Mr. Forsyth has made certain statements affecting myself individually.

For more than sixteen years before that time I had discharged, with one or two short intervals, the duty of Attorney-general, and there could scarcely be much foundation for the remarks made upon the administration of justice, without my being implicated considerably in the misconduct spoken of.

Whatever countenance may be considered to have been given to these complaints of Mr. Forsyth by the Report of the Select Committee of the Assembly, and through whatever channel, and for whatever purpose, these matters are now brought under the notice of the House of Commons, I hold myself bound to prove and ready to prove, upon any investigation conducted upon those common principles of justice which regulate the most inferior tribunals in this country, that, as applied to myself, the charges and insinuations are utterly groundless, and I undertake at this distance of time to repel satisfactorily the attempt to justify them by any one act of mine, during the whole course of my public service as Crown officer.

In respect to the assertions of Mr. Forsyth, which expressly apply to myself personally, the evidence of the Honourable William Dickson and of the Honourable Thomas Clark, printed in the Appendix to the Journals of the same session, will show to what credit they are entitled.

I will only add, what indeed I have already stated, that the Report of the Select Committee was never adopted or discussed, or in any manner acted upon in the Legislature of this province. Against the act of a Select Committee in receiving evidence, and reporting it, by which means it becomes printed in the Journals, there is no remedy; but although the Assembly, neither at that time nor in the four years that have since elapsed, brought Mr. Forsyth's statements to the test of a public discussion or of a satisfactory investigation, if the House of Commons has leisure and inclination to examine into my official conduct

6 CANADA :—CORRESPONDENCE RELATIVE TO

or private transactions, I shall be happy indeed to undergo the scrutiny ; and, in the meantime, I content myself with affirming, that His Majesty has no officer in his service, civil or military, in any part of his dominions, who has kept himself more entirely free from any pecuniary or private transaction that could interfere with his public duty, or bring in question his character as a man, than I have done to the present hour, and I shall be surprised if an individual can be found in the province of ordinary good character, whatever may be his political bias, who will assert the contrary.

I have, &c.

(signed) *Jn^o B. Robinson.*

Captain *Phillpotts'* STATEMENT respecting the removal of the Fences, &c. put up on the Military Reserve, near the Falls of Niagara, by Mr. *William Forsyth*.

MR. FORSYTH, who purchased the farm immediately adjoining the Falls of Niagara some years since, on which he erected a large hotel, &c. having, without any permission or authority whatever, taken upon himself to enclose the strip of land, originally reserved by the Government for the purpose of securing a convenient access to the river at all times, and having wilfully destroyed a wooden causeway made on this Reserve by a neighbouring innkeeper, Mr. J. Brown, for the accommodation of persons visiting the Falls, so that the only convenient approach to this great natural curiosity was through his (Forsyth's) own house, an affidavit was made by the said Mr. J. Brown, stating the injury he had received ; and all the most respectable inhabitants in the neighbourhood signed a petition to the Lieutenant-governor, Major-general Sir Peregrine Maitland, requesting that the said Reserve might be thrown open to the public.

In consequence of this application, his Excellency directed Captain Phillpotts, at that time commanding Royal Engineers in that district, and therefore in charge of these Reserves, to make a survey of the Government ground near the Falls, and remove any fences, &c. which had been placed thereon.

In compliance with these directions, Captain Phillpotts went to the spot, with a serjeant and four soldiers, in *fatigue jackets without arms* ; having previously visited the Falls for the purpose of calling on Mr. Forsyth, and explaining to him that he had placed his fences, &c. on the Government Reserve ; and having communicated to him the orders he had received on the subject, he informed him that he should be obliged to carry them into execution, unless Mr. Forsyth would remove the fences himself ; which he not only refused to do, but threatened to prosecute Captain Phillpotts if he touched them. In order to prevent the possibility of mistake, Captain Phillpotts had obtained Sir Peregrine Maitland's authority for availing himself of the assistance of Mr. Jones (a sworn surveyor, who originally laid out that part of the province, when the country was first settled), who on this occasion made a survey of this Reserve, and pointed out its limits by pickets, for the guidance of the persons employed to remove Mr. Forsyth's fences. This took place on about the 18th of May 1827, and about four days afterwards, Captain Phillpotts, having occasion to visit the Falls, saw that these pickets had been taken away and Forsyth's fence replaced on the Reserve, which Captain Phillpotts caused to be again removed, and the Reserve to be marked out with pickets, as before.

Major Lennard, the sheriff of the district, who resides near the Falls, having accompanied Captain Phillpotts to the ground, at his request, Mr. Forsyth brought a civil action against both of them for the alleged trespass, which was tried at Niagara, and a verdict was given for the defendants.

In consequence of his having again placed his fence on the Government Reserve, the Attorney-general was directed by the Lieutenant-governor to institute legal proceedings against Mr. Forsyth ; a writ of Intrusion was filed against him accordingly ; and on a subsequent trial, a verdict was given for the Crown ; and thus on two different occasions it has been proved by juries, composed of respectable yeomen of the country, that Mr. Forsyth had no cause of complaint whatever against Captain Phillpotts, or the military persons employed under him on this occasion.

George Phillpotts,

9th January 1833.

Captain Royal Engineers, York, Upper Canada.

REPORT of the SELECT COMMITTEE on the Petition of *William Forsyth*.

To the Commons House of Assembly.

Your Committee, to whom was referred the Petition of William Forsyth, with power to send for persons and papers, and report thereon, have taken the same into consideration, and submit the following Report :—

YOUR Committee have annexed to this Report a certified extract from the original grant to Francis Ellsworth, from which will be seen the abutments of the lot upon which the trespass was committed. The same lot with the same description appears to have passed from Francis Ellsworth, through different conveyances, to the Petitioner, and has been occupied by the successive owners for thirty years past ; the distance from the chain, of which he was dispossessed, to the river is estimated at above 100 yards.

George

MR. FORSYTH'S PETITION TO HOUSE OF ASSEMBLY. 7

George Phillpotts, captain of the royal engineers, presuming a part of the land held by the Petitioner, as lot No. 159, in the first concession of Stamford, in the Niagara district, to be a military reserve, did, on or about the 18th day of May last, in a violent, forcible and outrageous manner, with aid of soldiers, dispossess the Petitioner of one chain of the front part of the land held and claimed by him as aforesaid, and destroy the fence and blacksmith's shop upon it, by cutting them down with axes, and throwing them over the precipice. From the evidence it will appear that the damage was in some respects wanton.

From the testimony of two eye-witnesses, it appears that the statement in the Petition is not an exaggerated one. Although Richard Leonard, Esq. sheriff of the Niagara district, did not render any personal aid, yet it is fully established that he was present, countenancing the party committing the trespass; and your Committee feel it their duty to call the attention of the House to such conduct, on the part of a public civil officer, whose sworn duty it is to preserve the peace.

It does not appear to your Committee that the Court of King's Bench set the verdict aside, as mentioned in the Petition, contrary to law: but it appears that both the Crown officers are engaged in defence of the persons guilty of the outrage.

It is clear that a person long in possession of land, like the Petitioner, ought to have been ejected by the law of the land, which is ample, when impartially administered, for securing the rights of property; but the interference of the military by such acts of violence for maintaining supposed or contested rights, is justly regarded with jealousy in all free countries, and ought to be seriously regarded in a colony where the most unprecedented outrages have been perpetrated without prosecution, and even followed, by the patronage of the local government, upon the wrong doers.

Your Committee have further reported an address to his Excellency to obtain certain information upon the subject.

The strip of land in question commands a fine view of the Falls of Niagara, and is immediately in front of the pavilion which has been erected by the Petitioner upon a magnificent scale, at a great expense.

Under an apprehension that he might be overpowered by influence, and be superseded in the enjoyment of this valuable tract of land by some more favoured persons, it appears that the Petitioner appealed to the justice and liberality of Earl Dalhousie to avert a dispossession which would prove so disastrous to his interests, as proprietor of the pavilion, on which he had invested all his capital. His Lordship in his answer, dated 5th January 1826, claims the strip of land in question as a reserve expressly for public purposes, but states his belief that Sir Peregrine Maitland would not be disposed to grant to any other person the occupation of a spot so immediately convenient to the Petitioner's buildings; and it appears that his Lordship, when at Niagara, impressed with the justice of the case, interested himself to procure a grant of it to the Petitioner: nevertheless, it seems that on the 31st day of August 1827, a lease, under the great seal, was made to the Honourable Thomas Clark, and Samuel Street, Esq., according to a description that will embrace the strip of land in question, and those lessees of the Crown have given the Petitioner notice not to trespass. Under the above circumstances, it is still more to be lamented that military violence should be used, either with or without authority, to dispossess the Petitioner of land which he has so long occupied, which he claims as covered by the deed from the Crown through which he derives his title, and which is so immediately important to himself as proprietor of the hotel.

Mr. Forsyth's Counsel,

John Rolph, Chairman.

SIR,

Military Secretary's Office, Quebec, 5th Jan. 1826.

I AM directed by the Commander of the Forces and Governor-general, to acknowledge your Letter of the 16th December, relative to a small strip of land belonging to Government, in front of your property, at the Falls of Niagara; and to state to you his Lordship's belief that his Excellency Sir Peregrine Maitland will not be disposed to grant to any other person the occupation of a spot so immediately convenient to your buildings; there is not indeed any intention of granting the ground in question, it being expressly reserved for public purposes.

His Lordship desires me further to add, that when he was last at Niagara he wished a grant of it to pass in your behalf, but very good reasons were given against it.

I have the honour to be, Sir,

Your most obedient humble servant,

Mr. William Forsyth,
Niagara Falls.

H. J. Darling, Military Secretary.

SIR,

Stamford, September 14, 1827.

ON the 31st day of August now last past, a lease, under the great seal of the province, was made to us, the subscribers, our executors, administrators and assigns, for all that certain parcel or tract of land, situate, lying and being in the township of Stamford, in the district of Niagara, which is butted and bounded as follows: commencing in the limit between lots 128 and 129, at a point one chain west from the top of the bank of the Niagara river, then southerly and westerly along the top of the bank of the Niagara river up the stream;

and

and always at the distance of one chain from the top of the bank until it intersects the centre of lot No. 145, then east to the water's edge, then along the water's edge, down the stream, until it intersects the division line produced, east from the division between lots 128 and 129, then west to the place of beginning.

You will therefore take notice, and forbear making any entry on the land above-mentioned and contained, either by yourself or servants, as any trespass thereon, after the date of this notice, will be considered by us to be wilful and malicious on your part, and you will be liable to a prosecution from time to time, if any such trespass is committed by you, or any other persons in your employ. You will, therefore, govern yourself accordingly.

To Mr. W. Forsyth, Innkeeper,
Niagara Falls, Stamford.

(signed)
(signed)

Thomas Clark.
Samuel Street.

GRANT to *Francis Elsworth.*

(Copy.)

Two hundred acres.—Lot No. 229, with the broken front between it and the Niagara river. The north half of the broken front east, of 160—and the north-east part of 160, and the south half of the broken lot, No. 145, in the township of Stamford, in the county of Lincoln, and Home district; patent, dated 14th day of February 1798, described as follows:—Beginning at the south-east angle of lot No. 146, at a point and post where the lots No. 145, 146 and 159 are nearly in contact. Then west along the north boundary of the whole lot No. 159, 50 chains. Then south along the western boundary of the said lot, 20 chains. Then east to within 51 chains of Niagara river, 13 chains, more or less. Then southerly parallel to the shore of the river, ten chains, more or less, to the centre of lot No. 160. Then east to within one chain of the said river, 50 chains. Then northerly along the bank, always at the distance of one chain from the top of the bank, to the centre of lot No. 145. Then east up to the centre of No. 145, 23 chains. Then south, ten chains to the place of beginning.

I do hereby certify the foregoing to be a true extract of the record of a patent to Francis Elsworth, as recorded in book D. folio 87.

Secretary's Office, February 21, 1828.

Samuel P. Jarvis, Deputy Register.

ALL that certain tract or parcel of land, situate, lying and being in the township of Stamford, in the district and province aforesaid, containing, by admeasurement, 170 acres, be the same more or less, being composed of lot No. 159, with the broken front between it and the Niagara river; the north half of the broken front east of lot No. 160, and part of the north part of lot No. 160, and which said parcel or tract of land is butted and bounded, or may be otherwise known as follows: that is to say, commencing at the south-east angle of lot No. 146, at a point or post where the lots No. 145, 146 and 159 are nearly in contact. Then west along the northern boundary of the whole lot 159, 50 chains; thence south along the western boundary of the said last-mentioned lot, 20 chains; thence east to within 51 chains of Niagara river, 13 chains, more or less; then southerly, parallel the shore of the river, ten chains, more or less, to the centre of lot No. 160; thence east to within one chain of the said river, 50 chains; then northerly along the bank, always at the distance of one chain from the top of the bank, to the south-east angle of lot No. 145; thence west, following the southern boundary of lot No. 145, to the place of beginning, saving and excepting herefrom nine acres, at the south-west angle of the above-described land, be the same more or less, heretofore in the possession of Timothy Skinner the elder, deceased, and saving and excepting all roads, recognized as lawful highways, passing through the above-described tract.

COMMITTEE ROOM, HOUSE OF ASSEMBLY.

On the PETITION of *William Forsyth*, February 18, 1828.

John Rolph elected Chairman.

Committee:—John Rolph, Chairman, Robert Randal, John J. Lefferty, John Matthews.

EVIDENCE.

William Forsyth puts in the deeds, a Schedule of which is annexed, to show his title.

Doctor Lefferty.—In the year 1798, Charles Wilson was in possession of the land mentioned in the Petition, as seized by the military, and remained in possession till 1812, when he died in possession. Charles Wilson's wife remained in possession till after the war, about the year 1821, at which time William Dickson, Esq. sold to William Forsyth, who, from that time, continued possessed of the land in question, till dispossessed as in the Petition mentioned. Dr. Lefferty states that he was an eye-witness of the dispossession of William Forsyth, as complained of in the Petition; that he has carefully read the Petition; that the facts therein stated of the dispossession of the said William Forsyth are true, and not exaggerated, except that he did not see any active interference on the part of the sheriff (Leonard) during the perpetration of the outrage, and that he did not see any arms stacked on the ground;

ground; but he saw arms in Brown's bar-room, about forty yards from the scene of trespass, which arms he believes to be the arms of the trespassers.

That the distance from where the blacksmith's shop stood to the edge of the river, he estimates at above 100 yards. He has resided 29 years in that neighbourhood; he has never considered the high bank in question as the bank of the river, nor has he ever known it so considered; he has always considered the government reserve to be one chain from the water's edge, above the Falls of Niagara.

Isaac H. Culp, states, that on the 18th May last, he was called by William Forsyth to witness his forbidding George Phillpotts, Captain of Engineers, and Richard Leonard, sheriff of the Niagara district, trespassing upon the land in dispute; he heard Forsyth forbid any trespass, upon which Captain Phillpotts passed on, saying nothing, and Sheriff Leonard, in a sneering way, asked Forsyth if he would prosecute The King. He was told by Sheriff Leonard, as a friend, that he might remove the things which he (the witness had in the blacksmith's shop; and that, unless removed, the blacksmith's tools belonging to witness, would be thrown over the bank.

That he was an eye-witness of the dispossession of Forsyth; that he had read the Petition; that the dispossession of Forsyth, as therein stated, is correct (except as to the stacking of the arms, of which he has no personal knowledge,) and not exaggerated; that he did not see Sheriff Leonard render any personal assistance in the outrage; that he appeared in his conduct and manners to be present in support and countenance of Captain Phillpotts, who headed the party trespassing; that he saw no arms stacked; that he saw some arms in Brown's bar-room; that the soldiers were quartered at Brown's for some days after the outrage.

That by the depredation, the garden of Forsyth, which he thinks one of the most valuable and highly cultivated in Stamford, and some fields of grain to the extent of ten or twelve acres, and about six or eight acres of meadow, with a good sward, were thrown open to the common; that they unnecessarily destroyed the fence; that two or three times when Captain Phillpotts was a short distance off, the soldiers, at the suggestion of Doctor Lefferty and Sheriff Leonard, began to raise the posts, which was easily done, out of the ground, and leave the fence prostrate; that Captain Phillpotts at each time, upon his return to the spot, ordered the posts to be cut down, and the fence to be thrown over the bank; that the blacksmith's shop was cut down and thrown over the bank, although the shop by no means hindered the free passage along the bank. It might have been removed to Forsyth's undisputed land adjoining for twenty-five dollars or near that sum; it was twenty by twenty-six, with two forges and one brick and one stone chimney, with an addition nine by twenty feet; it was weather-boarded, and the main building shingled.

William Forsyth, states, that the contents of the Petition, and the facts as therein stated are in all substantial points just and true, and that he would be willing at any time to testify to the same on oath; that he considered the violent outrage as proper to be prosecuted by indictment; that he felt and feels much embarrassed in any such prosecution, from both Crown officers being feed by the defendants in the civil actions brought by the Petitioner against the aggressors; that he would not like to make application to either of them under such circumstances to conduct a prosecution for him; he thought the Crown officers would defend him and the public against such daring outrages; he would prosecute the perpetration of the outrage if he could employ other counsel than the Attorney and Solicitor-generals, but he had understood that they claim the sole and exclusive right of conducting such public prosecutions; that he thinks, under such circumstances, that nine persons in the province out of ten would not prosecute criminally if they found the Crown officers largely feed by the perpetrators of an outrage against the person injured; that he thinks the conduct of the Attorney-general, John Beverly Robinson, Esq., towards him, the Petitioner, particularly unfair, inasmuch as he, the said John B. Robinson, has long since received from him, the Petitioner, four acres of land, in view of the Falls of Niagara, as a fee to defend him in his rights to the property which he is now labouring to take away from him; that the Honourable W. Dickson promised the said John B. Robinson one acre of land, before the said William Dickson sold to him the Petitioner; that he was called upon to convey the one acre to the said J. B. Robinson after he, the Petitioner, had received his title for the same; that instead of the one acre, he, the Petitioner, conveyed to the said John B. Robinson four acres, in view of the Falls of Niagara, and which four acres he, the Petitioner, considered a very liberal fee to the said John B. Robinson for his professional support of the rights of your Petitioner to the property; that he feels himself deserted and abandoned by the said John B. Robinson, and having to struggle against the power, influence and wealth of the Executive in this province, and Captain Phillpotts, who headed the rioters, having left the province, he, the Petitioner, has little or no hope of realizing any thing by a civil action.

Note.—The foregoing Report was referred back to the Committee, as further evidence on the subject was expected to be obtained, and on the 24th March, having procured that evidence, they again presented to the House the Report, with the following annexed:—

Some years ago, hearing that the Honourable W. Dickson, with whom I had been very intimately acquainted, and for whom I had been professionally engaged in matters of much consequence to him, had thoughts of selling a farm of his, situate on the Niagara river, immediately opposite the Falls of Niagara, I wrote to him, stating that I should like to own an acre of it somewhere in front, and begging that he would reserve an acre for me before he sold the farm, and let me know his price.

Mr. Dickson very kindly assented at once to my request, and some time after wrote to me, that having, since he got my letter, sold his farm to Mr. Forsyth, he had reserved to me the right of selecting any acre I pleased, and he enclosed me a bond from Forsyth to him or to myself, I forget which, obliging him to convey to me an acre to be selected. I left it to Mr. Dickson, or my friend Mr. Clark, to make the selection, and never had, before or since, any communication with Mr. Forsyth respecting it.

In 1822 I went to England, and, during my absence, the late Colonel Nichol and Colonel Clark, thinking rightly that I would prefer having a larger quantity of land, situate in the wood, on a part of the lot remote from the front, and on that account less valuable, proposed to Forsyth, on my part, to accept four acres of the woodland (a more pleasant site for a cottage,) and to relinquish my right to select an acre in the front. To this Forsyth assented, and the four acres were laid off and surveyed, and a deed taken from Forsyth to me for them. I knew nothing of this till I returned from England, when I fully approved of what my friends had done; but at no time to this hour have I had any communication with Mr. Forsyth on the subject of the land, which I acquired from Mr. Dickson, solely without one word of reference by me or at my request to Mr. Forsyth upon the subject, either verbally or in writing. I do not remember that I ever, in my life, was ever applied to by Forsyth to render him any professional service whatever. I never had with him a transaction of any kind.

I have not been retained by the Defendants, against whom he has brought actions for alleged trespass, or by any of them; but as Attorney-general, I have been officially instructed to defend them on the behalf of the Crown, as they acted under public orders; and, upon the same instructions, filed an information of intrusion against him for resuming possession of the public seizure in dispute, and after a full hearing at the last assizes, (the Solicitor-general conducting the cause for the Crown in my absence,) the jury rendered a verdict for the Crown. Mr. Forsyth never, to this moment, has expressed a desire for my professional services, in any matter alluded to in his Petition; nor have I heard that he wished to institute a criminal prosecution at the last assizes. Had he done so, he would certainly have met with no impediment. I have never asserted or had occasion to assert a claim to conduct all criminal prosecutions. My opinion upon that point has been given officially to the Government, many years ago, in reference to an application of Lord Selkirk's, and whether that opinion be correct or not, it is for the Government, not me, to determine.

The whole of Mr. Forsyth's statement, so far as it regards me, is without the slightest foundation. I have thought it proper to make this statement for the purpose of repelling a most groundless and unexpected attack upon my character; but I beg I may not be considered as admitting myself accountable for my private or professional transactions, except to the proper legal tribunals.

John B. Robinson.

HAVING read the Report of the Select Committee of the House of Assembly, on the petition of William Forsyth (docketed 10th March 1828), I have to state in contradiction of a part of William Forsyth's evidence therein, that it is perfectly within my recollection, when the Honourable William Dickson, about seven or eight years ago, sold the Ellsworth or Falls Farm to William Forsyth, he reserved one acre of it, in front of the farm and in view of the Falls, for John B. Robinson, Esq., Attorney-general: that one or two years thereafter, Mr. Robinson being in England, the late Colonel Nichol and myself acting on behalf of Mr. Robinson to lay out this acre, and we having understood from Mr. Robinson, that he having got this acre of land in a present from Mr. Dickson, it was not his intention to sell or make money of it, but when he found convenient, to build a small cottage on it; knowing this, and that a cottage on a very public and frequently a very dusty road, would not be so pleasant as one situated at a little distance, Colonel Nichol and myself took upon ourselves to commute with Forsyth for four acres about a quarter of a mile in the rear, in lieu of the one acre in front. These four acres I marked off, and from which neither the Falls nor Niagara river are to be seen. A short time afterwards Forsyth executed a title in favour of Mr. Robinson for the four acres, and took up the sealed obligation binding himself to convey the one acre, which obligation Mr. Dickson took from Forsyth at the time of the sale of the farm. The money value of the one acre, if for sale, is full four times that of the four acres together.

I have to add, that the truth of what I have herein stated is as well known to William Forsyth as to myself, and that from the solemn manner in which he has stated to the contrary, he has evidently done so for some malicious and wicked purpose.

March 18, 1828.

Thomas Clark.

THE statements made by William Forsyth, of Stamford, to the Select Committee of the House of Assembly, at the close thereof, on the allegations against John B. Robinson, Esquire, inasmuch as relates to the one acre, or four acres of land, as a fee to him for his professional services, or as a retainer, is within my own knowledge totally without foundation, a studied fabrication, and palpable falsehood.

I was under obligations to the Attorney-general, for many kindnesses shown me, which money could not properly repay.

He had expressed a wish many years ago for one acre of land at the Falls, when I was owner of that property, and in his absence I sold the farm to Forsyth, but first made an agreement

MR. FORSYTH'S PETITION TO HOUSE OF ASSEMBLY. 11

agreement with him for the purchase, under seal, and therein reserved one acre. In making him a deed, I took his bond for this one acre, on the south side of the main road, in front, to be chosen by Mr. Robinson; but before Mr. Robinson returned, I understood that Mr. Thomas Clark and the late Mr. Nichol, in behalf of their friend Mr. Robinson, commuted this one acre, on the south side of the main road, for four acres in the middle of the lot (not in view of the Falls).

This one acre in front is more valuable than ten acres in the rear, and I think Mr. Forsyth would not make the exchange now if it was offered him.

Mr. Robinson did not know of the transaction, until the title from Forsyth to him was either sent to him by Mr. Clark or Mr. D'Arcy Boulton.

Therefore Mr. Forsyth's conduct, in my opinion, is deserving of the high displeasure of the Committee, in endeavouring to deceive them in a matter so offensive to the reputation of the high character charged.

William Dickson.

Copy of a REPORT of the SELECT COMMITTEE, to whom was referred the Petition of *William Forsyth*; with the testimony of Evidence examined thereon.

THE Committee, to whom was referred the Petition of *William Forsyth*, beg leave to report as follows:—

IT appears to your Committee that some of the most daring outrages against the peace of the community have passed unprosecuted, and that the persons guilty have, from their connexions in high life, been promoted to the most important offices of honour, trust and emolument in the local government.

It appears that the Crown officers, who exercise an exclusive right to conduct criminal prosecutions at the courts of oyer and terminer, and general gaol delivery, are in the habit, even in the first instance of being retained, and taking an active part in the defence of the civil action for the wrong; by which it is inevitable that prosecutors will be discouraged to apply to them for professional aid, and justice therefore, in many cases, fail, unless the rights of prosecutors, and of the Bar, are asserted and upheld as in England.

From the testimony given, your Committee do not hesitate to come to that conclusion, in which they are supported by the testimony of the Honourable Mr. Justice Willis, and nearly all the witnesses examined.

It also appears highly expedient that the deputy clerks of the Crown, in their respective districts, should attend to do the duties of clerks of assize; by which much would be saved in the expenditure for the administration of public justice.

The evidence also suggests the expediency of refusing the charges usually made for opinions given by the Crown officers to his Excellency, as they both receive a salary, fairly pronounced to be for that purpose, and ample in amount; while the heavy debt accumulated against the province, besides an increasing expenditure, renders every practicable reduction most important.

Your Committee have not extended their examinations as they intended, to the Crown officers and others, because they report no specific measure; but submit the expediency of considering the matter more fully at the next session of Parliament.

B. C. Beardsley, Chairman.

COMMITTEE ROOM, HOUSE OF ASSEMBLY, 28th February 1828.

Present: Mr. Beardsley, Chairman, Mr. Bidwell, Mr. Perry, Mr. Matthews, Mr. Hornor.

EVIDENCE.

The Hon. Mr. Justice *Willis*.

Q. ARE you aware of any Provincial or English law, by which the members of the Bar, educated in this province or in England, are excluded from conducting public prosecutions, as in England?—A. I know of no Provincial law against it. I rather draw an inference in favour of the Provincial Bar, from the Provincial statute introducing the criminal law of England as it was in the year ; for I presume the mode of conducting public prosecutions in this province must be taken to be the same as it was in England at the time up to which the criminal law was introduced.

What was the mode of conducting public prosecutions in England at that time, with reference to the rights of the English Bar?—In all matters of revenue, treason and personal rights of the Crown, and those under its immediate protection, as the affairs of lunatics and charities, the Crown officers are bound to protect the public rights, in the same way as any counsel generally retained by his client is bound to protect his rights. But in all other matters in which the Crown is not so immediately concerned, as in felonies, and in those misdemeanors which are not prosecuted in the Crown office, or by ex-officio information, I have always understood the right of being employed by prosecutors to be open to the Bar.

Do you think it desirable that the practice in this province should be assimilated as much as possible to the practice of England?—Decidedly so; in this, as in every thing else.

The Attorney and Solicitor-general being in the habit of taking fees to defend criminals in civil actions, even when they precede the public prosecutions, do you, under such circumstances, see any additional propriety in securing to the Bar in this province the rights enjoyed by the profession in England?—Decidedly; and I think it highly improper in any Crown officer to defend the persons in a civil action for the injury, when those persons are to be, or for the due ends of public justice ought to be, prosecuted criminally.

Do you think that such a state of things is calculated to deter prosecutors from applying to those Crown officers who have engaged against them in the civil defence of the wrong doers?—I never would employ to conduct the public prosecution for the injury I had received the professional person who defended against me in the civil action; I should think that the impressions he would have received would be so strong, that I could not but suspect (although my suspicions might be groundless) that he would be influenced by them.

Is the Committee to understand that you think the ends and character of public justice would be facilitated and secured by a change of this system?—Certainly; and more especially placed, as it ought to be, above every suspicion.

Do you think it would be a desirable plan to allow the prosecutor to be paid his reasonable expenses out of the district treasury, where the trial is had, upon conviction?—I do; and I think the prosecutor ought not to be paid his expenses till conviction, unless the judge certifies; this I believe is in accordance with several recent English statutes, and I conceive it to be a desirable security against malicious or groundless prosecutions.

Do you think that if the fines and forfeitures in every district were paid into the district treasury, it would be an expedient source for the payment of the expenses of the public prosecutions?—If the fines and forfeitures form a part of the general provincial revenue, or the Crown was pleased to relinquish them for those public purposes, I think it would be very desirable indeed.

If the present system of payment for public prosecutions were continued, what would be the effect, as population and crime increase, upon the public revenue?—It would be, upon an ordinary calculation, most oppressive; and in that point of view, I think the expenses of the clerks of assize, both as they are chargeable upon the public revenue and upon the suitors, might, with much advantage, be done away. The duties of clerk of assize, as at present discharged by him, might be performed by the deputy clerk of the Crown, who has the custody of the proceedings in the suits in his district, and who would be well remunerated by a sum, small when compared with the present expenditure for that purpose. It is desirable that justice should not be made unnecessarily expensive; but I think it most desirable that the judges should, in their circuits, be attended in a manner suited to the dignity of their duties and station.

Do you think that the Attorney or Solicitor-general could, at their pleasure, take out of the hands of another counsel a brief in a criminal prosecution, put into his hands by a prosecutor?—I think not; with the exception of the cases mentioned in my second answer.

The Attorney-general and Solicitor-general receive, the first, 300*l.* and the second 100*l.* sterling per year; do you think that retainer sufficient for the advice given to the local government, without charges for the same, against the public revenue?—I think so; the salary they receive I regard as the salary to the judges, for the duties they perform.

8th March 1828.

Mr. Justice *Sherwood*.

Q. Do you think that the Bar in this province has the same right as the Bar in England in conducting criminal prosecutions, and subject only to the same restrictions?—A. I think they have the same right, subject to the same restrictions.

Have these rights been hitherto generally claimed by the Bar, and exercised?—I believe they have not.

Do the Crown officers claim an exclusive right to conduct criminal prosecutions?—I have never made the inquiry.

Considering that the Crown officers are in the habit of taking fees for the defence of civil actions out of the facts of which a criminal prosecution must or ought to arise, do you think it right that the prosecutor should have the power to apply to other professional men for the conduct of his prosecution?—It is a subject to which I have not given sufficient attention to form an opinion.

Do you consider that the existence of such an exclusive right on the part of the Crown officers, under the circumstances mentioned in the preceding question, calculated to discourage prosecutors from instituting a prosecution?—I really cannot say.

Do you consider that the professional interest taken by the Crown officers in the civil suit, the facts with which they may have been thereby acquainted, and the real or supposed prejudices which they may have acquired in the conduct of the suit, calculated to impair the confidence which the prosecutor, or the public, ought to have in the administration of criminal justice?—I have not had sufficient opportunity to form an opinion upon that subject.

Do you think that the prosecutor ought to pay the expenses of his prosecution if he fails in a conviction, and the judge do not certify?—I am not prepared to answer that question without further consideration.

Do you think that if the fines and forfeitures in every district were paid into the district treasury, it would be an expedient source for the payment of the expenses of the public prosecutions of each district?—I am not prepared to give an answer to that question.

B. C. Beardsley, Esq., Barrister at Law.

Q. WHAT do you consider to be the rights of the Bar in this province, in conducting criminal prosecutions?—A. I consider them to be the same as they are in England.

Have these rights been hitherto exercised, and if not, why not?—They have been exclusively exercised by the Crown officers; as far as my knowledge extends, except at the quarter

quarter sessions. That monopoly I have understood to be claimed, and scarcely contested, being considered as sanctioned by the Court of King's Bench; and therefore I should consider the assertion of the right as hopeless.

Do you think the assertion of the rights by the Bar would be conducive to the interests of the Bar and of the people?—I certainly think it would. Such an exclusion must be prejudicial to the Bar; and the confinement of the whole province to two professional men, against whom prosecutors may have prejudices (whether well or ill founded), and to whom they can, in the outer districts, only have access in the period of the assizes, and who are often retained in a civil action, out of which the criminal prosecution must arise, has, in my opinion, a direct and certain tendency to prejudice public justice.

Do you think that such a state of things is calculated to deter prosecutors from applying to those Crown officers who have engaged against them in the civil defence of the wrong doers?—Most certainly I do. It would have that effect upon me; and I cannot but consider it would, in a greater or less degree, have that effect upon others.

Do you think the character of public justice likely to be impaired by such a state of things?—I certainly do, and I think it would be improved by a change.

Ought the prosecutor to be paid in the event of failing in a conviction?—By no means; it would induce persons, from vindictive feelings, to prosecute, as has been the case to my knowledge in some instances, from running no risk of personal expense; for in this province it is charged against the public revenue.

Do you think that if the fines and forfeitures, in every district, were paid into the district treasury, it would be an expedient source for the payment of the expenses of public prosecutions?—I certainly think it would; and it would further relieve the provincial treasury from heavy charges now made against it, and from an increase inevitable in time, beyond what this or any country can bear.

Do you recollect any other means of protecting the public in criminal prosecutions?—Yes, many. I think the clerks of assize, who have been, and still are, young, either under age, or not much over it, do but ill fill a situation with so many responsibilities as are attached in this province to a clerk of assize, who has the custody of all records, exhibits, indictments, the pannel of the jury, the swearing of witnesses and jurymen, and other duties, as the making up the postea, and the arraignment of prisoners. I have heard dissatisfaction expressed, and have felt it myself not without reason. I also think there should be an improvement of the jury law; and that the sheriffs should hold their offices during good behaviour, and not during pleasure. And it is my strong opinion that the same rule should be extended to the judges.

What improvement would you suggest in the clerks of assize?—I still hold the opinion I have expressed in the legislature, that the deputy clerks of the Crown, in every district, should act as clerks of assize, as they have the custody of the original papers, and the passing of the records, and are also better fitted from age and character. It would also relieve the suitors from a heavy expense, as they are, by the table of fees, allowed charges which amount to as much as is taxed to counsel, who is attorney in the cause; and the deputy clerk of the Crown, from his residence in the district, could not require such fees. It would also relieve the provincial revenue from the present charges made by the clerks of assize in criminal prosecutions. I have heard, and have good reason to believe, that these youths, during the assize, engage in gambling, and other amusements, vulgarly called rows, as fighting and frolicking.

Arch. M'Lean, Esq.

Q. How long have you been a member of the provincial Bar, and what offices do you hold?—A. I have been a member of the Bar since 1813, and am clerk of the peace of the eastern district.

Have the members of the provincial Bar engaged in the conduct of public prosecutions, as in England?—They have not, except at the quarter sessions.

Do you consider that the provincial Bar have the same rights in conducting criminal prosecutions in this province as the Bar in England, and subject only to the same restrictions?—I am of that opinion.

Do you consider the mode of conducting public prosecutions in England as part of the judicial system in that country?—I do.

Has the adoption of that system in this province generally, and the introduction of the criminal law by the provincial enactment for that purpose, in your opinion, implied the existence of the same rights of the Bar here as in England, in conducting criminal prosecutions?—In my opinion it has; and I consider that the criminal law is to be publicly administered here in the same manner as it is in England.

Have you ever known that right claimed and exercised by any other member of the Bar, other than the Crown officers?—It was once claimed by Mr. M'Donell, afterwards Attorney-general in this province, but it was not persisted in, from some objection then made to it by the Court. Mr. Firth was then Attorney-general.

Do you know why the right has not been more generally claimed and exercised by the Bar?—I do not. It has generally been considered as the duty of the Crown officers to prosecute. They have hitherto exercised an exclusive right, and except in the case I have mentioned, it has never been contested.

Do you know upon what ground such an exclusive right is claimed?—I do not.

Do you think it would be an expedient rule that a public prosecutor should himself bear the expenses of his prosecution if he fails in a conviction, unless the judge certifies?—I think it would be very desirable, unless the judge should certify.

Is it desirable that the practice in this province, as to the expenses of prosecution, should be assimilated as much as possible to the practice in England?—I do not think any public good would result from it, as prosecutors would have to pay the expenses of prosecution themselves; by which many persons would be deterred from prosecuting, and criminals would not be brought to justice.

How are public prosecutions now paid in this province, and what the amount for each conviction?—They are charged to the provincial revenue, and the amount for each conviction to the Crown officer, I believe to be, by the present table of fees, 7*l*.

What would be the effect of that system in course of time, as crime and prosecutions multiplied, as they are in Great Britain, upon the public revenue?—It would, of course, be a charge upon the revenue, and a serious one too. I do not know the number of criminal prosecutions in England, but if the same sum were charged against the revenue of Great Britain for every public prosecution and conviction as is charged in this province, it would be a serious charge against the resources even of that country.

Will the practice of the Crown officers, in taking fees to defend in a civil action persons guilty of an offence, to be the subject of a prosecution, tend to discourage the persons injured from applying to them for professional advice and aid?—I do not think it would.

Do you think such a practice in no way prejudicial to the ends and character of public justice, supposing the Crown officers to claim an exclusive right to conduct public prosecutions?—I do not think it in any way prejudicial, inasmuch as no persons are deterred from coming forward to prosecute in consequence of the Crown officers being retained in a civil action, arising from the same cause.

Robert Baldwin, Esq. Barrister at Law.

Q. ARE public prosecutions open to the members of the Bar generally?—**A.** I have always understood that the Attorney and Solicitor-general have claimed the exclusive right of conducting criminal prosecutions in this province. The following case occurred some years ago in the Court of King's Bench, which I well recollect:—My father, William Warren Baldwin, Esq. in the case of *The King v. Ellrod*, for bigamy, wished to proceed to outlawry; and for that purpose moved the Court for a writ of exigent. The Court thereupon addressed the Crown officers, inquiring whether they consented to the right of making such a motion. The Crown officer (Attorney-general) said he would look into the question, and answer another day. On a subsequent day, upon the motion being renewed, the Attorney-general, John B. Robinson, Esq. informed the Court that he had looked into the authorities, and could find no authority against the right to make the motion claimed by Mr. Baldwin. I was at that time a student at law only, but I distinctly recollect it was conceded as matter of right, and not of courtesy. The Solicitor-general certainly did, at the time, in a low tone of voice, suggest to the Attorney-general not to give up the right. From the above case I infer a doubt of that exclusive right countenanced by the Court, and conceded by the Attorney-general; but I believe the impression upon the Bar, generally, is, that the exclusive right is claimed and exercised by the Crown officers.

Do you, as a professional man, consider that the Bar in this province have the same rights as the Bar in England, in conducting criminal prosecutions?—Undoubtedly.

Does it come within your knowledge that the Crown officers defend persons in a civil action, out of which a serious criminal prosecution might or ought to follow?—I have known both of them do so.

What effect do you apprehend to follow such a practice, with respect to its discouragement of prosecutors so situated?—I think it must necessarily discourage prosecutors so situated; and I feel that the parties prosecuting would have reason for discouragement; for I think, that with the most conscientious endeavour to do justice, the professional man so situated might not be able to do it. Willingly, I would never place myself in such a situation; for I should distrust my own power over myself in such a situation; and this, I say, independent of any unfavourable impression which might be made upon the public mind with respect to the pure administration of criminal justice.

Do you think a change in the present system would conduce to the interests and character of the Bar, and the pure and unsuspected administration of criminal justice?—I think it would conduce to the pure and unsuspected administration of criminal justice; and therefore would most certainly conduce to the interests and character of the Bar.

Do you think it would be desirable that the fines and forfeitures in every district should be paid into the district treasury, and be applied to the payment of the expenses of criminal prosecutions in each district?—I think it would be a desirable mode.

Thomas Taylor, Esq. of the Middle Temple, Barrister at Law.

Q. HAVE the Bar in this province the same right to conduct criminal prosecutions as the Bar in England, subject to the same restrictions?—**A.** I think they have, subject to the same restrictions.

Do the Crown officers in this province claim an exclusive right to conduct criminal prosecutions?—They exercise an exclusive right.

Under

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Under what law is that exclusive right exercised?—I know of no law to make the right otherwise here than it is in England.

The Crown officers taking fees to defend wrong doers in a civil action for the injury, do you think it desirable the prosecutors should exercise the right of electing counsel to prosecute criminally?—Yes, in those cases, I do.

Do you think that such a practice on the part of the Crown officers, including the exclusive right exercised of conducting criminal prosecutions, is calculated to discourage prosecutors from prosecuting criminally?—I think, in some cases, it might discourage.

EXTRACTS from the JOURNALS of the HOUSE OF ASSEMBLY of *Upper Canada*,
dated 21st, 22d and 24th March 1828.

MR. ROLPH, seconded by Mr. Bidwell, moves that it be resolved, That Nathaniel Coffin, Esquire, and J. Givins, Esquire, having been summoned by the Committee to whom was referred the Petition of William Forsyth, with power to send for persons and papers to appear before them, and not having complied therewith, the Speaker be directed to issue his warrant to apprehend them and bring them to the Bar of this House, to answer for the contempt forthwith.

Mr. Attorney-general, in amendment to Mr. Rolph's motion, seconded by Mr. J. Jones, moves, That after the word "that," the remaining words of the resolution be expunged, and the following inserted, "That a Committee be appointed to search into precedents, and report in what cases it is proper, according to parliamentary usage, that the Executive Government should be addressed in order to procure the attendance of any public officer, and whether in any and what cases an officer serving His Majesty in any situation, civil or military, can be summoned before a Select Committee, and his attendance compelled without a previous request, addressed to the Executive Government."

On which the House divided, and the Yeas and Nays being taken, were as follows:—

YEAS—Messrs. Attorney-general, Burnham, Cameron, Clark, Coleman, J. Jones, M'Call, M'Lean, Morris, Scollick, Thompson of York, Vankoughnet and Walsh—13.

NAYS.—Messrs. Baby, Beardsley, Bidwell, Fothergill, Hamilton, Hornor, Lefferty, M'Bride, M'Donald of Prescott and Russell, Matthews, Perry, Peterson, Randal, Rolph, Thomson of Frontenac, White, Wilkinson and Wilson—18.

The question was decided in the negative by a majority of five, and lost accordingly.

On Mr. Rolph's motion the House divided, and the Yeas and Nays being taken, were as follows:—

YEAS—Messrs. Baby, Beardsley, Bidwell, Clark, Fothergill, Hamilton, Hornor, Lefferty, M'Bride, M'Call, M'Donald of Prescott and Russell, Matthews, Perry, Peterson, Randal, Rolph, Thompson of Frontenac, Thompson of York, White, Wilkinson and Wilson—21.

NAYS—Messrs. Attorney-general, Burnham, Cameron, Coleman, J. Jones, M'Lean, Morris, Scollick, Vankoughnet and Walsh—10.

The question was carried in the affirmative by a majority of eleven, and ordered accordingly.

Mr. Rolph, seconded by Mr. Bidwell, moves that the Report of the Serjeant-at-Arms of his proceedings upon the warrants from the Speaker to apprehend Nathaniel Coffin, Esquire, and James Givins, Esquire, for a contempt of the House of Assembly, be taken down in writing and entered on the Journals of the House.

Which was carried *nem. con.*

Present: Messrs. Attorney-general, Beardsley, Beasley, Bidwell, Burnham, Cameron, Clark, Coleman, Fothergill, Hamilton, Hornor, D. Jones, J. Jones, Lefferty, M'Bride, M'Call, M'Donald of Prescott and Russell, M'Lean, Matthews, Morris, Perry, Peterson, Randal, Rolph, Scollick, Thompson of Frontenac, Thompson of York, Vankoughnet, Walsh, White, Wilkinson and Wilson, and is as follows:

In obedience to the warrants of the Honourable the Speaker, I proceeded to the house of Nathaniel Coffin, Esquire, for the purpose of taking him into custody. I found his doors fastened, and was told by him and James Givins, Esquire, (who was in the house with him) "that they would not be arrested unless the house was broken open, and they were forcibly taken, and that if they were so arrested, they should prosecute the Speaker and Serjeant-at-Arms."

22d March 1828.

David M'Nab,
Dep^y Serjeant-at-Arms.

The Serjeant-at-Arms reported, that agreeably to the Order of the House, he had taken into custody James Givins, Esquire, and Nathaniel Coffin, Esquire, and that they were then at the Bar.

Mr. Rolph, seconded by Mr. Bidwell, moves that it be resolved that James Givins, Esquire, and Nathaniel Coffin, Esquire, having been apprehended by the Serjeant-at-Arms and brought up to the Bar of this House, that the resolution of yesterday be read to them; and that they be severally called upon to state what they have respectively to say in their defence.

Which was carried, and the resolution was read, as follows:—

Resolved, That Nathaniel Coffin, Esquire, and James Givens, Esquire, having been summoned by the Committee to whom was referred the Petition of William Forsyth, with power to send for persons and papers to appear before them, and not having complied therewith, the Speaker be directed to issue his warrants to apprehend them, and bring them to the Bar of this House to answer for the contempt forthwith.

The Speaker then called upon the prisoners severally to state what they had to allege in their defence.

Mr. Rolph, seconded by Mr. Bidwell, moves that the matters stated by James Givens, Esquire, be taken in writing and entered on the Journals of the House.

Which was carried, and is as follows:—

(STATEMENT of *James Givens*, Esquire.)

That upon receiving the summons, he conceived it to be his duty to wait upon the Major-general commanding, and to state to him his having received the summons, and to ask his permission to attend the Committee. That he did not receive an answer immediately, but some time after he did, and leave was refused.

That he is an officer in the Indian department, and is now acting at the head of that department, in this province.

Mr. Rolph, seconded by Mr. Bidwell, moves that the matters stated by Nathaniel Coffin, in his defence, be taken down in writing and entered on the Journals of the House.

Which was carried, and is as follows:—

(STATEMENT of *Nathaniel Coffin*, Esquire.)

That on receiving the summons from the Chairman of the Committee, he applied to his Excellency the Lieutenant-governor for leave to attend. In a day or two after he received his Excellency's answer in writing, which was in his possession, and which he read in the following words:

SIR,

18th March 1828.

HAVING laid before the Lieutenant-governor the summons which you have received, to attend a Committee of the House of Assembly, appointed to inquire and report upon the Petition of William Forsyth: I am commanded to acquaint you, that his Excellency cannot give the permission desired by you, not knowing what are the matters of which he complains, or what are the facts in regard to which it is desired to interrogate you.

I have the honour to be, Sir,

Your most obedient,

To Colonel Coffin,

Adjutant-general of Militia, &c. &c. &c.

G. Hillier.

Mr. Rolph, seconded by Mr. Bidwell, moves that it be resolved, That James Givens, Esquire, having been guilty of a contempt of this House, and of a breach of its privileges by neglecting and refusing to obey the summons of a Select Committee appointed to inquire into and report upon the Petition of William Forsyth, with power to send for persons and papers, although duly summoned so to do,—that he be for such contempt and breach of privilege committed by warrant from the Speaker to the Gaol at York in the Home District during the residue of this Session.

In amendment, Mr. M'Lean, seconded by Mr. Coleman, moves that after the word "resolved" in the original motion, the whole be expunged, and the following inserted, "That as it appears to this House that James Givens, Esquire, now in custody of the Serjeant-at-Arms, acted, in disobeying the subpoena of a Select Committee of this House to appear as a witness before them, under an impression that he could not attend the said Committee without the permission of the Major-general commanding His Majesty's Forces in this province, and not from any feeling of disrespect towards the Committee or this House, the said James Givens, Esquire, be discharged."

On which the House divided, and the Yeas and Nays being taken, were as follows:

YEAS—Messrs. Attorney-general, Burnham, Clark, Coleman, D. Jones, J. Jones, M'Lean, Scollick, Vankoughnet, and Walsh—10.

NAYS—Messrs. Baby, Beardsley, Beasley, Bidwell, Fothergill, Hamilton, Hornor, Lefferty, M'Bride, M'Call, M'Donald of Prescott and Russell, Matthews, Morris, Perry, Peterson, Randal, Rolph, Thomson of Frontenac, Thompson of York, White, Wilkinson, and Wilson—22.

The question was decided in the negative, by a majority of twelve, and lost accordingly.

In amendment to the original question, Mr. Morris, seconded by Mr. Walsh, moves that after the word "that" in the original resolution, the remaining words be expunged, and the following words be inserted, "James Givens, Esquire, and Colonel Coffin, having satisfied this House that they had no intention to treat with contempt or disrespect the summons of the Select Committee, be discharged, after having been admonished by the Speaker, that it was their duty, without reference to any superior authority, to give immediate obedience to the summons of the Select Committee."

On which the House divided, and the Yeas and Nays being taken, were as follows:

YEAS—Messrs. Burnham, Clark, Coleman, D. Jones, J. Jones, M'Lean, Morris, Scollick, Thompson of York, and Walsh—10.

NAYS—Messrs. Attorney-general, Baby, Beardsley, Beasley, Bidwell, Fothergill, Hamilton, Hornor, Lefferty, M'Bride, M'Call, M'Donald of Prescott and Russell, Matthews, Perry,

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Perry, Peterson, Randal, Rolph, Thomson of Frontenac, Vankoughnet, White, Wilkinson, and Wilson—22.

The question was decided in the negative by a majority of twelve, and lost accordingly.

On the original question the House divided, and the Yeas and Nays being taken, were as follows:

YEAS—Messrs. Baby, Beardsley, Beasley, Bidwell, Fothergill, Hamilton, Hornor, Lefferty, M'Bride, M'Call, M'Donald of Prescott and Russell, Matthews, Perry, Peterson, Randal, Rolph, Thomson of Frontenac, Thompson of York, White, Wilkinson, and Wilson—21.

NAYS—Messrs. Attorney-general, Burnham, Cameron, Clark, Coleman, J. Jones, M'Lean, Morris, Scollick, Vankoughnet, and Walsh—11.

The question was carried in the affirmative by a majority of ten, and it was resolved accordingly.

Mr. Rolph, seconded by Mr. Bidwell, moves that it be resolved, That Nathaniel Coffin, Esquire, has been guilty of a contempt, and of a breach of the privileges of this House, by neglecting and refusing to attend and give evidence before the Select Committee appointed to inquire into and report upon the petition of William Forsyth, with power to send for persons and papers, although duly summoned so to do, and that for such contempt and breach of privilege, he be committed by the warrant of the Speaker to the gaol at York, in the Home District, during the residue of the Session.

On which the House divided, and the Yeas and Nays being taken, were as follows:

YEAS—Messrs. Baby, Beardsley, Bidwell, Fothergill, Hamilton, Hornor, Lefferty, M'Bride, M'Call, M'Donald of Prescott and Russell, Matthews, Perry, Peterson, Randal, Rolph, Thomson of Frontenac, White, Wilkinson, and Wilson—19.

NAYS—Messrs. Attorney-general, Burnham, Clark, Coleman, D. Jones, J. Jones, M'Lean, Morris, Scollick, Vankoughnet, and Walsh—11.

The question was carried in the affirmative by a majority of eight, and it was resolved accordingly.

The Speaker submitted to the House the form of a warrant of commitment for Nathaniel Coffin, and put the question for its adoption, and his signing of the same; on which the House divided, and the Yeas and Nays being taken, were as follows:

YEAS—Messrs. Baby, Beardsley, Bidwell, Fothergill, Hamilton, Hornor, Lefferty, M'Bride, M'Call, M'Donald of Prescott and Russell, Matthews, Perry, Peterson, Randal, Rolph, Thomson of Frontenac, Wilkinson, and Wilson—18.

NAYS—Messrs. Burnham, Clark, Morris and Walsh—4.

The question was carried in the affirmative by a majority of fourteen, and the warrant was adopted and signed by the Speaker, and is as follows:

The Speaker of the House of Assembly, in session at York, in Upper Canada, this twenty-second day of March in the year of our Lord one thousand eight hundred and twenty-eight.

TO THE SHERIFF OF THE HOME DISTRICT, OR THE GAOLER THEREOF.

Whereas Nathaniel Coffin has been apprehended and brought to the bar of the said House of Assembly to answer for his contempt and breach of privilege, by neglecting and refusing to attend and give evidence before the Select Committee to whom was referred the petition of William Forsyth, with power to send for persons and papers, although duly summoned so to do; and the said House of Assembly having resolved that the said Nathaniel Coffin has been guilty of the aforesaid contempt and breach of privilege, and also that he be therefor committed to the Gaol at York, in the Home District, during the residue of this session: This is therefore to command you to take the said Nathaniel Coffin, Esquire, into your custody, and him safely keep during the residue of the session of this Parliament. Given under my hand and seal at York, in the Home District, this twenty-second day of March in the year of our Lord one thousand eight hundred and twenty-eight.

John Willson, Speaker.

The Speaker then submitted to the House the form of a warrant of commitment for James Givens, and put the question for its adoption and his signing of the same.

On which the House divided, and the Yeas and Nays being taken, were as follows:

YEAS—Messrs. Baby, Beardsley, Bidwell, Fothergill, Hamilton, Hornor, Lefferty, M'Bride, M'Call, M'Donald of Prescott and Russell, Matthews, Perry, Peterson, Randal, Rolph, Thomson of Frontenac, Wilkinson, and Wilson—18.

NAYS—Messrs. Burnham, Clark, Morris and Walsh—4.

The question was carried in the affirmative by a majority of fourteen, and the warrant was adopted and signed by the Speaker, and is as follows:

The Speaker of the House of Assembly, in session at York, in Upper Canada, this twenty-second day of March in the year of our Lord one thousand eight hundred and twenty-eight.

TO THE SHERIFF OF THE HOME DISTRICT, OR GAOLER THEREOF.

Whereas James Givens has been apprehended and brought to the bar of the said House of Assembly, to answer for his contempt and breach of privilege, by neglecting and refusing to attend and give evidence before the Select Committee to whom was referred the petition of William Forsyth, with power to send for persons and papers, although duly summoned so to do; and the said House of Assembly having resolved that the said James Givens has been guilty of the aforesaid contempt and breach of privilege, and also that he be therefor committed to the Gaol at York, in the Home District, during the residue of this session: This is therefore to command you to take the said James Givens, Esquire, into your custody, and him safely keep during the residue of the session of this Parliament. Given under my hand and seal at York, in the Home District, this twenty-second day of March in the year of our Lord one thousand eight hundred and twenty-eight.

John Willson, Speaker.

The Speaker then put the warrants into the hands of the Serjeant at Arms, with orders to see the same carried into execution.

Mr. Beardsley from the Committee, to which was referred the petition of Robert Randal, Esquire, informed the House that the Committee had agreed to a Report, which he was directed to submit whenever the House would please receive the same.

The Report was ordered to be received.

Adjourned.

Mr. Secretary Hillier brought down from his Excellency the Lieutenant-governor a message, and having presented the same to the Speaker, retired.

The Speaker then read the same, as follows:

P. MAITLAND.

The Lieutenant-governor acquaints the House of Assembly that the Adjutant-general of Militia, and Colonel Givens, superintendent of Indian affairs, acting as the head of that department in this province, have reported to him that they are in custody under a warrant of the Speaker of the House of Assembly, for a contempt in disobeying the summons of a Select Committee appointed to report upon a petition of William Forsyth.

The Lieutenant-governor will always view with extreme regret any circumstance likely to produce a misunderstanding between any of the branches of the Legislature; and notwithstanding the protection which he justly owes to all officers serving under his Government, and acting as they conceive in the due discharge of their duty, he has forborne to interrupt the proceedings of the session by hastening the intended period of prorogation, indulging a hope that some measures useful to the country might be matured before the Legislature separated.

It is of importance, however, to the several branches of the Legislature—to the people of the province—and no less to the members of the House of Assembly individually, when, by the expiration of this Parliament, they shall have returned to their stations in society, that the extent of the privilege the House has asserted, the regular mode of exercising it, and the power of enforcing it, should be distinctly understood.

The departure of the Assembly from the usage prevailing in this colony, and as far as the Lieutenant-governor can learn, in other governments, could not be acquiesced in by him without that conviction of its propriety which he does not now entertain.

For his future guidance, under similar circumstances, he will solicit the direction of His Majesty's Government: if the power claimed by the House of Assembly has been constitutionally assumed and exercised, the House has discharged its duty in asserting it; if otherwise, the Lieutenant-governor, in withholding his permission, had a duty to fulfil from which he could not properly recede; and of this the Assembly may be assured, that if the propriety of its proceedings shall be confirmed by His Majesty, no one will be more ready than himself to recognize the privilege in question on all future occasions, and to enforce its observance by all whom it is his duty to control.

Government House, 24 March 1828.

No. 2.

COPY of a DESPATCH from Lieutenant-general Sir *P. Maitland* to
the Right hon. *William Huskisson*, M. P.

SIR,

Upper Canada,
York, 29th March 1828.

DURING the Session of the Legislature of this Colony, which has just terminated, a proceeding has taken place upon which I am compelled to solicit, very earnestly, the opinion of His Majesty's Government, that I may not be at a loss hereafter how to act under similar circumstances.

On the 16th inst. Colonel Givins, Superintendent of Indian Affairs, acting as head of the department in this province, in the absence of the Deputy Superintendent-general, who resides at Quebec, and Colonel Coffin, Adjutant-general of the Militia, communicated to me officially, that they had been summoned to attend a Select Committee of the House of Assembly, and they submitted to me the Letters which they had respectively received from the Chairman of the Committee requiring their attendance, copies of which accompany this Despatch.

It has been usual hitherto for the Assembly, when they required information from any public department under the Government, or the attendance of any civil officer, to address the Lieutenant-governor on the subject, and I do not know that, in any instance, their request has not been complied with. In some cases, however, the request has been, in the first instance, made to the officer whose attendance was desired, and who has obtained the leave of the Lieutenant-governor, before he attends the Committee. The mode first mentioned has, however, generally prevailed, particularly during the last Session, in the course of which I received three or four addresses for the attendance of different officers on Committees of the House.

Colonel Coffin, as Adjutant-general of the Militia, is, in time of peace, the head of a department in the Civil Government. Colonel Givens is now, and has been for some time, acting as head of a department under the control of the Commander of the Forces. The former conceived he was following the proper and ordinary course in applying to me, as Lieutenant-governor, for permission to attend the Committee of the Assembly; the latter was led by a sense of duty to apply for the same purpose to me as Major-general commanding the Forces in the Province; and they severally sent to the Chairman of the Committee a communication, of which I enclose a copy, informing him that they had applied for leave to attend.

For reasons which I shall presently explain, I thought it right to give to the application of these officers the answers which I enclose; they consequently did not attend, but acquainted the Chairman of the Committee that they were not permitted to do so. On the 23d inst. the Chairman of the Committee reported to the House of Assembly that Colonel Givins and Colonel Coffin had not attended; and the House, avoiding any communication with me, directed warrants against them to be issued by the Speaker, that they might be brought up in custody of the Serjeant at Arms. Of the intention to issue the warrants the two officers were apprized, and, as I did not think it proper that the Government should interpose in that stage of the proceeding, they were directed entirely by the advice of the professional gentlemen whom they chose to consult. Acting under this advice, they declined voluntary submission to the warrant, declaring that force must be resorted to, and intimating that, if such force were used, they would prosecute the Speaker.

They were taken on the same day, the 22d inst., having submitted without resistance, after the house in which they were had been forcibly entered; and being brought to the bar of the Assembly, and charged with a contempt in not obeying the summons of the Chairman of the Select Committee, they stated in their vindication, that they had applied for permission to attend, and had not received it, and Colonel Coffin read the letter which I had directed to be written to him in answer to his application. The Resolution, which is transmitted, was then moved and adopted in the House, 21 voting for it, and 11 against it, after two amendments had been negatived.

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The Speaker thereupon made his warrants, of which copies are transmitted, and Colonel Givins and Colonel Coffin were received in custody by the Sheriff the same evening, and remained in prison until the 25th instant, when the Legislature was prorogued in the ordinary course, and according to an intimation which I had given to the two Houses, through their Speakers, many days before.

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Page 23.

The 23d March being Sunday, Colonel Givins and Colonel Coffin reported to me on Monday what had taken place, in consequence of their declining to attend the Select Committee; and I sent a message to the Assembly on the same day, of which I transmit a copy. No proceeding was had upon this message; and you will perceive that in the speech with which I closed the Session, and which I also send to you, I avoided mixing up this disagreeable occurrence with the general business of the Legislature. I chose rather to make it the subject of a separate message, and to forbear in that message to advance topics or employ language that might produce irritation, and unnecessarily implicate the feelings in a question which I look upon as exceedingly important.

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Page 23.

Since the Session, Colonel Coffin has addressed to my Secretary a Letter, of which I enclose a copy. I have referred to the Executive Council on the subject, and transmit their Report, in which I entirely concur.

I have thus laid before you the whole case, and I shall be most anxious to receive your opinion upon it; and, in order that that opinion may, as much as possible, serve me for a direction in a very delicate but important point of duty, I am desirous that it should be formed upon as general a view as can possibly be taken of the question.

I will refer to the Governors of other Colonies, to learn what usage has obtained in them, but my belief is, that in other colonies as well as in this, it has been the practice for the Assembly to apply to the Governor by Address when information is wanted from any public department, or when the attendance of a public officer is desired.

When a Select Committee of the House of Assembly here desires the attendance of a Member of the Legislative Council, or any officer or servant of that House, the course uniformly pursued is to request it by message, and not by directly summoning the individual. If courtesy leads to this practice, I see no reason why the same courtesy should not be extended to the third branch of the Legislature; and if it has prevailed rather from a sense of its necessity, in order that the business of the Legislative Council may not be unreasonably interrupted by a compulsory abstraction of their Members and Officers; it seems to me that the same reason would apply, with equal force, to the Executive Government, which is constantly in operation, and whose functions may be very inconveniently suspended, if without any reference to the head of a Government, the principal of a Department, or even subordinate officers, can be withdrawn and detained at the pleasure of a Committee of the Assembly.

There are, however, other considerations which apply peculiarly to the Executive Government, and which, although they will not fail to occur readily to your mind, I feel it my duty to lay especially before you.

Few Sessions elapse in which the Assembly does not call upon the Government for information, which is sometimes granted and sometimes refused, according to the nature of the request. For instance, they have not unfrequently called for an account of the receipt and appropriation of the casual and territorial revenue of the Crown. My instructions are not to comply with such a request until I have ascertained the purpose for which the information is desired, and have referred to the Secretary of State upon the subject; but if the Assembly can, without communicating with the Lieutenant-governor, summon the Receiver-general or the Inspector-general of Accounts, or any of their clerks, to attend a Select Committee, and compel their attendance at the peril of imprisonment, the Government here or in England has no longer any discretion to exercise. Then with respect to the Military Service, it does not seem to me possible that a Select Committee of the Assembly can, for the purpose of inquiring perhaps into some alleged irregularity in a garrison, or want of discipline in a regiment, which they have nothing to do with, or for any other purpose compel the attendance of any military officer upon pain of imprisonment, and that his superior officer should have no discretion in granting or withholding permission, whatever may be the exigency of the service.

I should

MR. FORSYTH'S PETITION TO HOUSE OF ASSEMBLY. 21

I should be most happy to learn what, in such cases, is the usage in England ; though it may by no means follow that the usage of Parliament there is, in all things, to be adopted here, or that it can be legally introduced and enforced.

The 31st Geo. 3. will show for what purposes the Legislature of this Province was constituted, and what powers are given to it. It has never been conceived that one of these powers was to prefer impeachments, because the legislative council has no power to entertain them or dispose of them. If therefore the professed object of any inquiry by a Select Committee is to ascertain the truth of a complaint against individuals, it is to be borne in mind how obviously and securely such an inquisition may be perverted to serve the purposes of faction, and may be made the instrument of the greatest oppression and abuse.

A Select Committee, composed of members named at the request of a Petitioner, receives an *ex parte* statement of a case; summons only such witnesses as it pleases, records their testimony, given without the sanction of an oath, and not under the restraint of any responsibility whatever. Upon this evidence a Report is drawn in terms which gratify the malice of an individual, or answer the temporary purpose of an unprincipled faction, by aspersing the fairest characters among their opponents. The individual injured has no redress ; he cannot prosecute the conspirators in a court of law. The Committee who manage the inquiry are not sworn as courts are, to decide justly ; and when they have made their report, no ulterior proceeding is within the power of the party injured for vindicating his character ; no impeachment can follow, and he cannot therefore obtain relief from the unjust accusation. The use of this engine for party purposes has commenced in the present Assembly ; but the length to which it has been carried in the last Session, during the unfortunate absence of eight or nine members of the Assembly, has been quite an innovation, and one which I feel it my duty to bring, without loss of time, under the notice of His Majesty's Government.

Perhaps a stronger case could not well be imagined than that which has formed the groundwork of the particular proceeding which I have described. A Mr. Forsyth, a person notoriously of indifferent character, had taken upon himself to enclose part of a public reserve of a chain in width along the bank of the river Niagara. My attention was particularly called to the circumstance by a Petition from some of the inhabitants of the country, who complained of being thus shut out from the river by the illegal act of an individual. I directed the commanding engineer to survey the reserve along the river, and to throw it open to the public. No one but Mr. Forsyth raised any objection. He was remonstrated with in vain ; he was asked to remove his fences, but refused. He was told he should have men to assist him, but would not consent ; and at length, without any personal violence being offered or threatened, the engineer, with a fatigue party, threw down the fences. The Sheriff of the district was present. Mr. Forsyth brought actions of trespass against the engineer, officer and the Sheriff, whom I have directed the Crown officers to defend. He replaced his fences, and the Attorney-general in consequence filed an information of intrusion against him, which he defended ; and upon a full trial by a jury, a verdict was rendered for the Crown, thereby establishing the right which had been disputed. The civil actions, from an error in the plaintiff's proceedings, are yet undecided ; and while they are depending in the courts of law, Mr. Forsyth petitions the Assembly, complaining of what he terms a grievous outrage, in language calculated to inflame public feeling, by describing the act as a lawless, high-handed exercise of military power. This Petition is referred to a Select Committee. His counsel, in the proceedings at law for the same alleged injury, happening to be a member of the Assembly, is named of the Committee, and upon the *ex parte* statement of his client and other witnesses, not on oath, frames a Report in direct opposition to the verdict of one jury who have tried the point, and intended, as it must be supposed, to influence those verdicts which are yet to be rendered. This Report, when made, becomes a public document, and finds its way into the public papers ; and thus, upon a question of boundary and legal right which has yet to be tried, the parties have to encounter whatever weight a prejudice so excited can throw into the scale.

I am well aware that in England no such case could occur, because a sense of justice would prevent it ; but when civil or military officers under my government are summoned in the mere hope that they may know something which may turn to

account at the trial, and in order, it may be, to find out evidence to be made use of in a court of law, I feel it quite necessary that I should know whether, with or without permission from the Government, their attendance can be compelled.

You will confer upon me a great favour by putting me, as soon as may be convenient, in possession of your sentiments upon the matters stated in this Despatch, as I feel that the questions they involve are of the greatest moment to the administration of justice, and to the honour and stability of the Government.

I will not further swell this Despatch by the transmission of any official report from the law officers of the colony on the subject to which it has reference, but will content myself with adding that I have not failed to ascertain their opinion, which entirely agrees with the sentiments expressed in this Letter.

I have, &c.

(signed) *T. Maitland.*

LETTER from *B. C. Beardsley*, Esq. to Colonel *Givins*, Indian Department.

Committee Room, Commons House of Assembly,
14th March 1828.

WHEREAS the House of Assembly have appointed a Committee to inquire into and report upon the Petition of William Forsyth, of Stamford, for inquiring into Crime and Outrage, with power to send for Persons and Papers, you are hereby required to attend the said Committee, in the Committee Room of the House of Assembly at noon to-morrow.

(signed) *B. C. Beardsley*, Chairman.

LETTER from Colonel *Givins* to *B. C. Beardsley*, Esq. Chairman.

SIR,

York, 15th March 1828.

I RECEIVED your Notice this morning to attend a Committee of the Honourable House of Assembly this day at noon ; and, in consequence thereof, have made application to his Excellency the Major-general commanding for his permission for that purpose, but have not as yet received an answer thereto.

I have, &c.

(signed) *J. Givins*, Supt Indⁿ Affairs.

LETTER from *G. Hillier*, Esq. to Colonel *Givins*, Indian Department.

SIR,

Government House, York, 18 March 1828.

HAVING laid before the Lieutenant-governor and Major-general commanding, the summons which you have received to attend a Committee of the House of Assembly appointed to inquire into and report upon the Petition of William Forsyth, I have received his commands to acquaint you, that he cannot give the permission desired by you, not knowing what are the matters of which Mr. Forsyth complains, or what are the facts in regard to which it is desired to interrogate you.

I have, &c.

(signed) *G. Hillier.*

B. C. Beardsley, Esq. to *Nathaniel Coffin*, Esq. Adjutant-general of Militia.

Committee Room, Commons House of Assembly,
14th March 1828.

WHEREAS the House of Assembly has appointed a Committee to inquire into and report upon the Petition of William Forsyth of Stamford, for inquiry into Crime and Outrage, with power to send for Persons and Papers, you are hereby required to attend the said Committee in the Committee Room of the House of Assembly at noon to-morrow.

(signed) *B. C. Beardsley*, Chairman.

LETTER from *N. Coffin*, Esq. to *B. C. Beardsley*, Esq. House of Assembly.

Adjutant-general's Office, York,
15th March 1828.

SIR,

I RECEIVED your Notice this morning to attend a Committee of the Honourable House of Assembly this day at noon, and in consequence thereof, have made application to his Excellency the Lieutenant-governor for his permission for that purpose, but have not as yet received an answer thereto.

I have, &c.

(signed) *N. Coffin*,
Adj^t Gen^l of Militia, Upper Canada.

MR. FORSYTH'S PETITION TO HOUSE OF ASSEMBLY. 23

LETTER from *N. Coffin*, Esq. to Major *Hillier*, Private Secretary,
&c. &c. &c.

SIR,

York, March 22d, 1828.

I BEG leave to request that you will state to the Lieutenant-governor that, in obedience to the communication I received, through you, that his Excellency could not give me permission to attend a Committee of the House of Assembly for the reasons therein stated, that I did not attend the said Committee, and that, in consequence thereof, I have been committed this evening to the common gaol of the Home district by Order of the House of Assembly: I have, therefore, to pray that his Excellency will be pleased to direct that I may have the advice and assistance of the Crown officers, to enable me to take such steps as I may be instructed on the occasion.

I have, &c.

(signed) *N. Coffin*,
Adj^t-Gen^l of Militia.

In Council.

3d April 1828.

THE Council having reviewed their Report of the 26th March last, upon the subject of the within letter, respectfully beg leave to withdraw the same; and upon mature consideration, the Board cannot advise that the Government should interpose to give any directions to the Crown officers as within solicited.

HONOURABLE GENTLEMEN of the LEGISLATIVE COUNCIL, and
GENTLEMEN of the HOUSE of ASSEMBLY:

THE period of your Session having been extended to its usual length, there are some measures of great and general interest to the people of this Province, which I had hoped might have been presented to me as the result of your labours.

Having recommended to you when you met, that some effectual provision for the improvement of the roads should engage your attention, and being aware from the petitions presented to me that measures for promoting other valuable objects would be proposed to your consideration, I have not suffered the prorogation of the Legislature to be hastened by any occurrences, however unusual.

It is not in my power to do more than to persevere in urging, on future occasions, an application to those objects which are so connected with the welfare of the people, that an earnest attention to them, on the part of the Legislature, could not fail to be rewarded with the immediate attainment of great practical good.

GENTLEMEN of the HOUSE of ASSEMBLY:

I thank you, in His Majesty's name, for the supplies which you have granted for the public service.

HONOURABLE GENTLEMEN and GENTLEMEN:

Among the Bills presented to me for the Royal Assent, I am pleased to find that you have concurred in a measure providing for the convenient tenure of such parcels of ground as the various denominations of Christians may have occasion to occupy for religious purposes.

The Naturalization Bill which you have passed remains to be decided upon by His Majesty's Government; after all the unnecessary excitement which has been produced by this question, I need only remind you that no measure could be devised here, or in England, which could ever place the desired relief upon a more indulgent footing than it would long ago have been, if the wishes of this Government had been seconded when they were first publicly expressed.

I take leave of you in the confident expectation that, among a people so particularly favoured as the inhabitants of Upper Canada, no misapprehension as to their real interests, and the proper objects of all good government, can be either general or lasting, and that this season of peace and prosperity which we so happily enjoy, will hereafter be employed in a zealous and undivided application to objects of evident and acknowledged utility.

After which the Honourable the Speaker of the Legislative Council declared that it was his Excellency's pleasure that this Parliament be prorogued to Friday the second day of May next, and declared the Parliament prorogued to the said second day of May, to be then and there holden:

No. 3.

COPY of a DESPATCH from Secretary Sir *G. Murray* to Major-general Sir *J. Colborne*, &c. &c. &c.

SIR,

Downing-street, 20th October 1828.

I HAVE the honour to acknowledge the receipt of Sir Peregrine Maitland's Despatch of the 29th of March last, detailing the proceedings of the House of Assembly of Upper Canada against Colonel Coffin and Colonel Givins for contempt of the privileges of that House, in refusing to obey the summons of the Chairman of a Select Committee, and requesting instructions for his guidance under similar circumstances.

From the statement of the Lieutenant-governor, I am led to infer that there were adequate grounds for inquiry by the House of Assembly into the grievances complained of in Mr. Forsyth's Petition, of having been dispossessed of lands in his occupation by a military force, acting under the express command of the Lieutenant-governor; and the chief reason adduced by the Lieutenant-governor for not allowing Colonels Givins and Coffin to attend the Committee is stated to have been that he did not know the nature of Mr. Forsyth's complaint, nor the facts in regard to which the evidence of the officer was required.

As no direct notification had been made to the Lieutenant-governor in a certain technical sense, he did not know the nature of the complaint, yet as he must have inferred that the Committee proposed to examine these officers respecting the employment of a military force for ejecting Forsyth from the land, I cannot but consider that Sir Peregrine Maitland would have exercised a sounder discretion had he permitted the officers to appear before the Assembly; and I regret that he did not accomplish the object he had in view in preventing Forsyth's encroachments by means of the civil power, which is said to have been at hand, rather than by calling in military aid.

I have, &c.

(signed) *G. Murray.*

No. 4.

COPY of a DESPATCH from Mr. Secretary *Stanley* to Lieutenant-general Sir *P. Maitland*, &c. &c. &c.

SIR,

Downing-street, 20th June 1833.

CERTAIN Papers having been moved for in Parliament, in which some part of your conduct as Lieutenant-governor of Upper Canada is animadverted upon, I have considered it due to you to refer these Papers for your consideration, in order that you may have an opportunity of affording any explanation upon them which you may think necessary.

I am, &c.

(signed) *E. G. Stanley.*

No. 5.

COPY of a DESPATCH from Lieutenant-general Sir *P. Maitland* to Mr. Secretary *Stanley*.

SIR,

London, June 24th 1833.

I HAVE the honour to acknowledge, with thankfulness, the sense of justice which has led you to submit to me a Despatch from Sir George Murray, when Secretary of State, to Sir John Colborne, of 20th of October 1828, previously to laying it before the House of Commons.

However strange the statement may appear, I was altogether unaware that such a document existed. By it, I am now, for the first time, made acquainted with Sir George Murray's animadversions on certain acts of my government.

As my Despatch of the 29th of March 1828, on which the opinions of the then Secretary of State are grounded, was written expressly with the view of obtaining instructions

instructions on a very delicate and important question, and not for the purpose of giving a full detail of transactions, nor of justifying my measures, the propriety of which had not been called in question, circumstances were naturally omitted by me that would have been necessary for the latter objects, but not for that which I had principally in view.

I shall therefore avail myself of the opportunity you have afforded me, to supply, as well as my memory will enable me at this distant period of time, a few circumstances that seem to have been omitted, and that may tend to place those matters which have been commented on in a truer light.

Mr. Forsyth, an innkeeper, having taken upon himself to enclose with a high fence a Government reserve, consisting of a chain in width along the bank of the river Niagara, and which afforded the public free access to the principal Fall of the river, I was repeatedly solicited, by Petition and otherwise, to cause the obstruction to be removed. In consequence of those solicitations, I directed the officer of engineers who had charge of the reserved lands, to survey the Government property near the Falls, and remove any obstruction that had been placed on it. These objects were carried by him into effect, with the assistance of three or four of his men, without arms, in their working dress, and with the temper and caution he was enjoined to observe.

In the suits instituted by Mr. Forsyth against the officer of engineers, it was incumbent on the plaintiff to establish one or two points to entitle him to a verdict, namely, that the defendant had done that which, by law, he was not authorized to do; or that, in doing that which, by law, he was authorized to do, he had done unnecessary injury to the plaintiff's property or possession. Both these points were distinctly submitted to the jury, and both were determined against the plaintiff. Mr. Forsyth, therefore, no doubt regretted, as well as Sir George Murray, the manner in which this intrusion on the public property had been removed, of course, for reasons which did not lie in the same direction.

Can it be seriously believed, that had any other course been taken, Mr. Forsyth, or his counsel, would have found in it less cause for complaint, or have been less industrious in endeavouring to excite clamour about it? It is certain, however, that their efforts could not have been less successful.

After a verdict had been obtained for the Crown, and while the civil suit was pending against the officer of engineers, every attempt was made to prejudice the public mind. Mr. Forsyth petitioned the Assembly, complaining of what he termed a grievous outrage, describing the act as a lawless, high-handed exercise of military power. This Petition was referred to a Select Committee, of which his counsel in the proceedings at law was appointed member and elected chairman, and, on the *ex parte* statement of his client, and other witnesses, not on oath, framed a Report in direct opposition to the verdict that had been rendered and intended, as it must be supposed to influence that which was yet to be given.

This Report when made became a public document, and found its way into the public papers; and thus, upon a question of right, which had yet to be tried, the party had to encounter whatever weight a prejudice, so excited, could throw into the scale. The jury, however, gave their verdict for the defendant, as I have already stated.

It is rather singular that nearly at the same time an intrusion on the public property in the town of Washington, in the neighbouring Republic, had attracted attention. The obstruction in that case was removed by a party of the military, escorted by a company of soldiers, fully armed. A circumstantial narrative of the occurrence was given in the papers of that country; but in no instance, I believe, accompanied by any expression of disapproval.

To proceed to Sir George Murray's observation, that I should have exercised a sounder discretion had I permitted Colonels Givens and Coffin to attend the Select Committee, I concur entirely with Sir George Murray in thinking that it would have been advisable to do so had the Committee, as was usual, applied to me to direct their attendance. It was very well known that they could give no more information respecting the alleged outrage complained of by Mr Forsyth, than any military officer selected at random from any part of the province. It was no wish to withhold information, therefore, that influenced me in this matter, and I did not fail to take care that the Committee should have reason to be assured that, in the event of the usual application being made to me, the officers would be desired to attend.

It was scarcely, therefore, to be anticipated that the Assembly, so near the period which had been notified for the close of the session, many members having already returned to their homes, would, without any previous communication made to me, be led to take the course which they adopted, a course so likely to be, as it actually was, attended with very general reprobation.

Sir George Murray remarks, that the chief reason adduced by me for not allowing the officers to attend the Committee is stated to have been that I did not know the nature of Forsyth's complaint, nor the facts in regard to which the evidence of those officers was required.

I stated this as a reason (not the chief reason), for it was calculated, if submitted to the Committee, to remind them that it had been usual, in similar cases, to apply to the Lieutenant-governor, and, in doing so, to furnish him with information on certain points.

Before I acquiesced in the course which had been taken by the Committee, it doubtless became incumbent on me to consider well what might be the effect of my acquiescence at any future period. In doing so, it appeared to me that the security of the colony, in the strongest sense of the term, would be affected, and that objections against the measure might be adduced as important as undeniable; but they were not, for obvious reasons, such as I could properly submit to the Assembly, or state in a Despatch which would probably be submitted to that body. I am always ready to state them, if called upon by His Majesty's Government to do so.

It has of late years grown into a practice to submit the official correspondence had with the Colonial Office to the legislature of the colonies, if called for by them, unreservedly.

The Lieutenant-governor of a colony must therefore necessarily exercise a greater degree of restraint than formerly, in addressing the Secretary of State. And, if he cannot rely upon being met by so much consideration as will ensure to him the opportunity of offering explanation before his measures are condemned, he may justly despair of being able to render justice to the office he is intrusted with.

I regret that it should have been made necessary for me to trouble you with this lengthy detail of transactions, which had long ceased to occupy my attention, and respecting which many circumstances have possibly escaped my recollection.

I have, &c.

(signed) *P. Maitland.*

P.S.—The Attorney-general of Upper Canada being in London, I requested him to give any information he could supply, respecting the lease granted to Messrs. Clarke & Street, a matter alluded to in the Report of the Select Committee. My recollection of the circumstances accord with the statement made by Mr. Boulton, and I request that his Letter may be considered as annexed to this communication.

P. M.

A Select Committee of the House of Assembly was appointed in Upper Canada, in the Session of 1821 or 1822, to revise the Militia Laws of the Province, who were desirous of obtaining information on some points from the Adjutant-general of militia. This officer was consequently requested to attend the Committee without any previous application for leave to the Lieutenant-governor. This, upon a suggestion to the chairman of the Committee (the late Colonel Nichol, of the Provincial Militia) was ascertained to be irregular, and consequently a formal request for leave to this officer to attend was transmitted to the Lieutenant-governor, and, of course, promptly complied with; and this has been the constant practice in cases of this description (except that of Colonels Givens and Coffin), so far as my parliamentary experience extends.

21 June 1833.

(signed)

Ch^r A. Hagerman,

M. P. P. for Kingston, U. C.

LETTER from *H. J. Boulton*, Esq. to Lieut.-general Sir *P. Maitland*, K.C.B.

SIR,

Morley's Hotel, London, 24 June 1833.

IN reply to your inquiry respecting my recollection of the circumstances under which Messrs. Clarke and Street obtained a lease of part of the Military Reserve near the Falls of Niagara in 1827, I beg to acquaint you that the instrument under which these gentlemen hold the premises in question was drawn by me as Solicitor-general of Upper Canada. Previous to their obtaining the lease, Messrs. Clarke and Street had become lessees of the

King's

King's Ferry across the Niagara river, just below the Falls, and opposite to the property of a Mr. Forsyth, an innkeeper, who had himself, at one time, been desirous of obtaining a lease of the Ferry. When they became lessees, this man, Forsyth, obstructed their enjoyment of it in every possible way, setting up at the same place a Ferry in opposition to theirs; and, as was believed from a variety of circumstances, causing several of their boats to be destroyed. For these injuries, Clarke and Street brought actions at law against Forsyth, in which I was their counsel, and Mr. Rolph, chairman subsequently of a Committee of the Assembly, who reported upon a petition presented to that body by Forsyth, complaining of the Government for pretended injuries he had sustained through their interference, was counsel for Forsyth. In these actions the lessees clearly established their right, and two several juries at successive courts gave considerable damages against Forsyth for his disturbance of their right of ferry. The Crown also filed an information of intrusion against Forsyth for entering upon and assuming the property in the ground reserved for military purposes; and although he used all the means in his power to cause it to be believed that he was an oppressed man, and that the military were set in array against him, when in truth only two or three soldiers accidentally passing from one post to another, in their fatigue dresses, were employed as common labourers to remove obstructions he had caused, the jury, after remaining out several hours, returned a unanimous verdict for the Crown, thereby negating his right to the ground, and fully establishing that of the Crown to the satisfaction of every respectable man in the neighbourhood. Under these circumstances, and for the purpose of preventing any persons from erecting any ferry-house, or keeping ferry-boats on the shore where Clarke and Street had the right of ferry, for which they paid a large rent, and also to keep the ground open for the free access of the public which Forsyth had interdicted, Clarke and Street obtained an order for a license of occupation of that part of reserve near the Ferry, up and down the river. The object of granting this license was to protect the lessees in the proper enjoyment of their right of ferry, and to keep the shore open, and free of access to the public, who had been shut out by Forsyth, unless they passed through his inn, which tended to create a monopoly for his house, and was felt as a serious nuisance by the public. Mr. Clarke stated his reasons for wishing the license to me, and I prepared a lease, under the great seal, to him and his partner to hold, strictly during pleasure, at a pepper-corn rent. This instrument gave him a legal title to the possession; at the same time, from the uncertain period for which they could hold it, the Crown and public were fully protected in the enjoyment of the easement it was intended the latter should possess, that of free ingress, egress and regress to the Falls, as the Crown, from the terms of the lease, retained the power of putting an end to the tenure, should the confidence be abused which was placed in the lessees. They have, to my knowledge, acted hitherto in accordance with the expectations of the Government, and I am certain the grant to them has been productive of evil to no one, and was never intended to prejudice the rights even of Forsyth; and if he had not shown the obstinate disposition which he so frequently and violently manifested, of obstructing the free use of the King's ferry, and would he have permitted the ground in question to remain open, as it formerly had been, and unenclosed, I do not think that the grant to Clarke and Street would ever have been thought of, either by themselves, or any one else. It was purely a measure of defence against this man's repeated aggressions.

I have, &c.

(signed)

H. J. Boulton.

UPPER CANADA.

RETURN to an Address to His Majesty, dated
6 February 1833;—*for*,

COPY OF THE

REPORTS of the Two Select Committees to whom were
severally referred *PETITIONS* addressed to the House of
Assembly of *Upper Canada*, in the Session of the Provincial
Legislature 1828, complaining of improper Conduct on the
part of Captain *George Philipotts*, of the Royal Engineers,
and other Wrongs, and of the Administration of Justice;
with the Evidence attached to these Reports, as presented
to the House on the 24th March 1828, by Mr. *Rolph* and
Mr. *Bardsley*; with the Proceedings of the House in the
Case of Colonels *Givens* and *Coffin*, Heads of Departments,
who were sent to Gaol for refusing to give Testimony in the
matter of Captain *Philipotts*, they severally alleging to the
House, that the Major-general then commanding would not
permit them to attend; together with the Proceedings, if
any, which have been had thereon by His Majesty's
Government, or the local Authorities.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
18 July 1833.

UPPER CANADA.

RETURN to an Address of The Honourable The House of Commons,
dated 18th July 1833;—for,

COPY of a DESPATCH addressed by the Secretary of State for the Colonies, to the Lieutenant-Governor of *Upper Canada*, dated 8th November 1832, on the subject of PETITIONS from the People of that Province, for the REMOVAL of His Excellency; the DISSOLUTION of the LEGISLATURE, and the Remedy of certain alleged GRIEVANCES; and of any ADDRESSES to HIS MAJESTY from the Legislative Council, or from other Inhabitants of the Province, agreed to in consequence of the said Despatch.

Colonial Department,
Downing-street,
20 August 1833. }

JOHN LEFEVRE.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
20 August 1833.

SCHEDULE.

- No. 1.—Copy of a Despatch from Viscount Goderich to Major-General Sir John Colborne, dated Downing-street, 8 November 1832 - - - - - p. 3
- 2.—Copy of a Despatch from Major-General Sir John Colborne to Viscount Goderich, dated Upper Canada, 16 February 1833, enclosing Addresses from the Legislative Council and House of Assembly - - - - - p. 14
- 3.—Address to His Majesty from the Inhabitants of Lenox and Addington - p. 21
- 4.—Address to His Majesty from the Inhabitants of Coburgh - - - - - p. 21

COPY of a DESPATCH addressed by the Secretary of State for the Colonies, to the Lieutenant-Governor of *Upper Canada*, dated 8th November 1832, on the subject of PETITIONS from the People of that Province, for the REMOVAL of His Excellency; the DISSOLUTION of the LEGISLATURE, and the Remedy of certain alleged GRIEVANCES; and of any ADDRESSES to HIS MAJESTY from the Legislative Council, or from other Inhabitants of the Province, agreed to in consequence of the said Despatch.

— No. 1. —

COPY of a DESPATCH from Viscount *Goderich* to Major-General Sir *John Colborne*.

Sir,

Downing-street, 8th November 1832.

DURING several months past I have been in occasional communication with Mr. William M'Kenzie, upon the subject of the grievances said to exist in Upper Canada, and for redress of which various petitions have been addressed to His Majesty.

As Mr. M'Kenzie has been the bearer of those petitions to this country, I have gladly availed myself of his residence here to obtain such information as it is in his power to give respecting the opinions and wishes of that portion of the inhabitants of the province by whom he has been deputed to act; and although I have adhered to the general rule of declining to explain the views of His Majesty's Government, on questions of Canadian policy, to any person except the Governor of the Province, I have been anxious to afford Mr. M'Kenzie the most ample opportunity of doing justice to the case which he laid before me.

From the voluminous mass of that gentleman's correspondence, I have selected three documents which profess to embody the entire substance of that case, as it affects the present condition of Upper Canada; of these documents I have the honour to enclose copies for your information.

I propose in this despatch to follow Mr. M'Kenzie through those parts of his statement respecting the representation of the inhabitants in the House of General Assembly, which appear to me essential to the consideration of the practical questions he has undertaken to agitate. But confining myself to what I consider as really relevant, I shall necessarily pass over in silence some details which have been introduced, with no perceptible tendency to elucidate the subjects in discussion, and much invective and sarcasm which would have been far more conveniently spared. It is with no intentional disrespect to Mr. M'Kenzie that I remark, that he has adopted a style and method of composition singularly ill adapted to bring questions of so much intricacy and importance to a definite issue. But however discursive may be his papers, or however acrimonious their tone, I am not on that account disposed to withhold my attention from any useful suggestions they may contain for the public good.

I am the more induced to devote to this discussion such leisure as I can command, because I am solicitous that the comparatively small body of persons whom Mr. M'Kenzie represents should have no reason to think that their complaints had been overborne by the contrary declarations of the much more numerous bodies opposed to them. Mr. M'Kenzie, indeed, would have himself understood as speaking the sentiments of the entire population of Upper Canada, excepting only a few public functionaries, whose interests are opposed to those of the people at large. It is not, however, necessary to have a very long experience of public controversies of this nature, to be aware of the levity with which such pretensions are continually advanced upon the slightest and most inadequate grounds.

Almost all complaints, the most opposite and contradictory not excepted, which reach this office, are nearly as a matter of course preferred in the name of the collective society; and it becomes necessary to distinguish carefully in such cases between mere rhetorical embellishments, and statements made in the cautious and

measured tone of truth. Now in the present instance, I find that Mr. M'Kenzie's views are supported by 44 petitions, which have been signed on the whole by 12,075 persons; on the other hand, I have before me no less than 33 petitions, from the different counties, districts, towns and townships of the province, signed by 26,854 persons, who concur in expressing their cordial satisfaction in those laws and institutions which the other set of petitioners have impugned. Such a body is far too numerous, and many of the individuals composing it are far too considerable in their station and character, to justify the supposition that they can be in a state of dependence on the local government, or controlled by any unworthy influence in their public conduct. I am driven to the dilemma of either supposing this great mass of the people of Upper Canada ignorant or corrupt, or of concluding that a very small minority of the whole population concur in Mr. M'Kenzie's views. The former supposition is as improbable as it is offensive: the latter, however contradictory to Mr. M'Kenzie's assertions, is verified by many of the particular facts which he has advanced or admitted. But though I conceive this gentleman's constituents to be opposed by the general current of public opinion, I do not in the slightest degree mean to dispute their collective or individual respectability; and there is no class of the Canadian people, however small, nor any individual amongst them, however obscure his station, to whose petitions His Majesty does not require that the most exact and respectful attention should be given.

I shall in the first place advert to the Paper to which Mr. M'Kenzie has given the title of "Observations on the State of the Representation of the People of Upper Canada, in the Legislature of that Province."

In performing this task, however, I must decline to pursue the discussion into those redundant and misplaced details with which Mr. M'Kenzie has encumbered it. Thus, for example, I shall pass over in silence whatever is stated respecting the case of Mr. Stuart, the attorney-general of the adjoining province, and the state of the borough of William Henry, for the representation of which in the Assembly Mr. Stuart was a candidate. Neither shall I inquire into the justice of the reproaches with which Mr. M'Kenzie assails the conduct of former Administrations, both in this kingdom and Upper Canada, upon occasions which have long since passed away, and questions now become wholly obsolete. I can address you only for some practical purpose; nor is there any measure suggested by the petitioners, or their agents, with a view to which such a retrospect seems to me either necessary or desirable. I must add, that if it were fit to review the past history of the Province, it would be impracticable to assume Mr. M'Kenzie's paper as the basis of such an inquiry, since it is drawn up in an utter disregard of method; and in such a manner, as to render the difficulty of distinguishing between assertion and proof, deliberate statements and the exaggerations permitted to an advocate, almost insuperable. I shall limit myself to the single consideration, whether he has brought to light any grievances for which His Majesty, in the legitimate exercise of the authority or influence of His Government, can be called upon to remedy.

The great object of Mr. M'Kenzie's censure is the Election Law, which was passed by the Lieutenant-governor, Council and Assembly of Upper Canada, in the year 1820. I might perhaps, not without reason, raise a preliminary objection to the discussion of that subject at all. If the election laws of the province require amendment, the change must originate, not with the executive government, but with the popular branch of the local legislature. Any interference of the Ministers of the Crown would be reprobated, probably by Mr. M'Kenzie himself, and certainly by his brother journalists, as an unconstitutional encroachment. If, therefore, I advert to the question at all, it is because in the prospect that such a discussion will be provoked by the petitioners, I think it fit that you should be apprised of the views which His Majesty's Government entertain on this subject, that you may not be destitute of a rule for your guidance in the acceptance or rejection of any Bill which may be passed by the Legislative Council and Assembly for the amendments of the election laws.

If I have found occasion to lament the redundancies, I cannot less regret the deficiencies of Mr. M'Kenzie's documents. He has travelled through this protracted discussion without finding himself called upon to notice, still less to refute, the arguments by which it has been usual to vindicate the constitution of the Provincial House of Assembly; yet it is impossible that he can be ignorant of them, nor credible that he should regard them as deficient, at least in plausibility.

bility. An ignorant reader of his papers might be left with the impression that the question was altogether new, and that the existing constitution had never been vindicated on the principles and on the example of the most free and independent governments. How utterly remote this is from the fact, is clear to every man whose attention has been given to the affairs of Upper Canada for the last few years. Mr. M'Kenzie has therefore imposed on me the necessity of drawing a general outline of that defence of the law of 1820, which he has passed over in silence, but which is far too important to be disregarded by any fair and impartial inquirer.

It is a fact familiar to all who are conversant with the legislative history of North America, either in the United States or in the British Possessions, that a problem of no light difficulty has continually arisen respecting the distribution of the elective franchise amongst the inhabitants resident in different parts of the same state or province. The surface of the country is generally divided, for political purposes, into sections of nearly equal areas; but those counties or townships which are in the immediate vicinity of the capital, or which are intersected by great navigable streams, or bounded by lakes, are peopled with far greater rapidity than the more remote districts. Hence it has repeatedly happened that a single metropolitan or trading county has contained a population exceeding in wealth and number many newly-settled counties of similar dimensions. Accordingly when capital and numbers have been made the exclusive basis of the representation, one portion of the state or province has acquired an influence in the Legislature which has reduced to comparative insignificance the weight of all the other divisions of the country. The favoured district has thus been able, through its representatives, to throw upon the less fortunate sections a most unequal weight of taxation, and to refuse to them a fair participation in the benefits of the judicial and other institutions, to the support of which the revenue was applied; local interests have predominated over the general interest, and discontents have been engendered, threatening the stability of the government, and tending to an abrupt severance of one part of the state or province from the rest.

In the state of Maine, as I am informed, this difficulty was so sensibly felt, as to have led to the introduction of the system adopted in Upper Canada in the year 1820. In apportioning the elective franchise amongst the inhabitants, the Legislature did not confine its attention exclusively to the question of property and of numbers, but introduced a new element into the calculation; they considered that a small number of persons occupying one county might reasonably claim as large a share in the representation as a much larger and wealthier body occupying another county of equal dimensions; by this method members were drawn from every part of the province, the local wants of every part were explained, and the interests of each vindicated. In a densely-peopled country, like Great Britain, possessing such internal communication as to secure the immediate diffusion of intelligence from one end of the kingdom to the other, this precaution might be the less necessary, since no part is so remote or inaccessible as not to be rapidly reached by information of every projected law, or as to be destitute of the means of making an early protest against any measure injurious to its welfare. Yet even in this kingdom, where the subject has within the last two years undergone the most public and rigid scrutiny, no one, so far as I am aware, has seriously advanced the opinion, that the representation of the metropolis should bear to that of the country at large, the proportion which the wealth or population of London bears to that of England collectively. Such a principle would have given to the metropolitan districts between 40 or 50 members, a scheme which, I need scarcely say, would have been rejected by the entire body of the people as altogether unequal, though resting upon a foundation of the most perfect nominal equality.

It appears, however, to have been perceived by the Upper Canadian Assembly, in the year 1820, that by simply adopting the rule to which I have referred, they might extricate the province from one difficulty at the expense of another yet more considerable. A county might contain a very inconsiderable body of persons for some time after it was first redeemed from the wilderness, and thus a choice of members might virtually be committed to a very few electors, who might themselves be subject to some unworthy influence. It was, therefore, required that no county should be represented in the Assembly by a distinct member until the inhabitants numbered 1,000 at least. But with the foresight which is perceptible in every part of this law, it seems to have been perceived, that there was considerable danger in leaving any body of new settlers wholly unrepresented;

and to obviate that inconvenience, the inhabitants of each county, whilst yet below the required number, were authorized to vote in the least populous adjoining county.

Thus, without being betrayed into a sacrifice of the substance of good government by a superficial attention to a merely nominal equality, the legislature of Upper Canada, in the year 1820, justified the confidence reposed in them by the constitution. They were too conversant with the real business of life to suppose that a great social system could be practically carried on without advancing a little beyond the most obvious and elementary maxims, or that the inevitable intricacy of the public affairs of the province could be met without some degree of complexity in its political institutions. They, therefore, embraced in their law provisions for the protection of all classes, however obscure and remote from the notice of the local government, for the control of that undue influence which mere wealth and density of population would otherwise have exercised, and for the gradual enlargement of the representative body as the constituency should itself increase.

I cannot suppose that a gentleman who has taken so active a part in the affairs of the province as has fallen to the share of Mr. M'Kenzie, should have been really unapprised of considerations so familiar to every man acquainted with the subject as those to which I have adverted, though, as a controversial writer, he may perhaps have not consulted ill for the momentary success of his argument, in suppressing all allusion to them.

I proceed to the next objection which Mr. M'Kenzie has made to the Act of 1820, which in his own language is, that it created a "borough interest." In less invidious terms, the fact appears to be, that it gave one member to every town in which the quarter sessions of the district might be holden, and which contained at least 1,000 inhabitants. Those towns were, therefore, placed in precisely the same predicament as the counties of the province. Now if Mr. M'Kenzie's principle, that wealth is the proper criterion, be just, this civic representation was wisely established; for it can scarcely be denied, that 1,000 persons inhabiting the same town will generally be the proprietors of a larger collective capital than a rural population of the same extent. If the principle of numbers be correctly assumed by Mr. M'Kenzie, then also it follows that the towns were rightly enfranchised, since it is in the towns that the most rapid enlargement of population usually takes place; and since, if members had been refused to them on the ground of paucity of numbers, a similar refusal must have been extended to all the newly-settled counties. But I greatly understate the argument. A town possessing 1,000 inhabitants will yield a much larger number of actual voters than a county equally populous, supposing the qualification to be in either case of equal amount. In the one case the franchise is exercised with the greatest facility, and in the other at an expense of time and labour, which comparatively few will incur. Nor can I forget, that in every part of the world, a civic population is more intelligent and more disposed to watch over public interests, than a rural population of equal numbers; because the first enjoy the constant advantage of mutual intercourse and co-operation in public affairs, of which the latter are in a great measure destitute.

It is not at all surprising that so enlightened a people as are the great body of the inhabitants of Upper Canada should have expressed, in very strong terms, their dissent from the views which Mr. M'Kenzie thus advocates; or that a people so conspicuous for their zeal for civil liberty should be so decidedly opposed, as by their petitions they appear to be, to plans which would sacrifice its substance to a very superficial theory.

It is further objected, that the law of 1820 placed the projected university in the list of constituent bodies; and, from the terms of the charter subsequently issued, it is inferred that the university was to become what is termed "a nomination borough under the especial patronage of Church and State." I should scarcely have anticipated that any man, and least of all a man devoted to literary pursuits, would have denied the propriety of giving a representative to the principal seat of learning in the province. It would be superfluous to expatiate on the importance of institutions for the education of youth in literature, science and religion, especially in a newly-settled country; and I am well assured that neither in the Council or Assembly could a single gentleman be found who would not gladly receive as a colleague, a person representing the collective body of literary and scientific men in Upper Canada, or who would not gladly support, by that distinguished honour, the cause of sound learning. You will observe that I do not here

refer

refer to an university constituted in the manner proposed by the original charter of incorporation. Every man in Canada knows, nor could Mr. M'Kenzie have been ignorant, that so far from any anxiety having been felt by the King's government to maintain that charter against the wishes of the great majority of the people, every possible measure has been taken to refer to their representatives the decision of the question, in what form and upon what principles the college should be founded. It is indeed Mr. M'Kenzie's fortune to be opposed to a large majority of the House of Assembly; but it can scarcely be expected that, in deference to any individual, or to the small though respectable minority for whom he acts, the King's government should entertain the slightest distrust of the wisdom or fairness of the resolutions which it may be the pleasure of the Assembly to adopt on this or any other subject.

It is next made the subject of complaint, that the law, as interpreted by the Court of King's Bench, entitles the county members only to wages, and that the efforts of successive Houses to ensure a certain degree of pecuniary independence to the new village representation has been rendered ineffectual by the Legislative Council. On what grounds the objections of the Council may rest, I am not distinctly apprised. I might indeed conjecture their reason to have been, that counties could with difficulty find representatives within themselves on other terms, while towns will always possess commercial and other inhabitants to whom a temporary residence at the seat of government would be attended with no inconvenience. I have no right to interfere with the deliberations of the Council, but I am able to signify to you His Majesty's pleasure, that you should not oppose any objection to any law which may be presented for your acceptance, for placing the town and the county representatives on the same footing in this respect.

It is made a subject of complaint, that in the year 1821, attempts were made, first, to deprive the landholders of the power of assessing themselves to pay their members' wages; and, secondly, to establish the right of voting in persons possessing a licence for the occupation of Crown lands, without having actually received a grant; and, that the last of these schemes was revived in the year 1827. I will not pause to investigate the propriety of measures which were never carried beyond an ineffectual attempt. It is enough for me to know that, upon subjects strictly within their cognizance, the House of Assembly adopted a decision by which any such projects were frustrated. Whether they were well judged or otherwise the King's Government are not in any sense responsible for them, and the discussion of public affairs would be utterly interminable if every unsuccessful motion, made several years ago, in either house of the Provincial Legislature, were to be made the subject of censure and inquiry at any distance of time.

The remark, that various religious bodies are excluded from the elective franchise, because their members cannot conscientiously take an oath, raises a question which well deserves serious consideration. You will call upon the law officers of Upper Canada to report what is the law on this subject, and you will have the goodness to acquaint me whether you perceive any practical objections to placing the various denominations of Christians, mentioned by Mr. M'Kenzie, on the same footing in this respect as the Society of Friends. I shall be happy to introduce a bill into Parliament for amending this part of the Constitutional Act of 1791, unless there should appear to be some difficulty in that measure which does not occur to me at present.

Mr. M'Kenzie then objects to the law which requires, that every member of the House of Assembly should possess an unencumbered estate, in lands, assessed at 80*l.* or upwards. This regulation he attributes to the officers of the government. On what grounds they are entitled to the credit, or responsible for the discredit, of having originated this law, does not appear, nor does that question seem to myself of much importance. I will not digress into the discussion of the great general principle involved in this enactment. Should any bill for the amendment of it be reserved for His Majesty's consideration, I can only state, that the most careful attention will be bestowed upon the subject.

It is, however, not to be overlooked, that the government are said to have retained in their own hands the possession of all the uncleared territory, that they might thus avail themselves of the last mentioned law, and qualify a favourite wherever it might be deemed expedient. I might, perhaps, not unreasonably, express my surprise that Mr. M'Kenzie, acting as the delegate of so many persons in Canada, should have passed over in silence the fact, that His Majesty had been graciously pleased, upon my humble advise, to interdict the gratuitous dis-

posal of the Crown lands, and to render them all the subjects of public competition, to the utter exclusion of any such favoritism as is thus deprecated.

If the law which disqualifies any British subjects from voting at elections till the expiration of seven years after their return from a residence in a foreign country be still in force, I subscribe to Mr. M'Kenzie's opinion, that it cannot be too soon repealed, and you will adopt all constitutional means in your power for promoting the repeal of it. On this subject I concur in Mr. Kenzie's reasoning, however much I may be disposed to think that the weight of his arguments would have been enhanced had he confined himself to the use of language more in accordance with the ordinary tone of official communications than that which he has chosen to employ.

I must entirely decline as perfectly irrelevant to any practical question, the inquiry whether, at a comparatively remote period, prosecutions against the editors of newspapers were improperly instituted or not. It is needless to look beyond Mr. M'Kenzie's journal to be convinced that there is no latitude which the most ardent lover of free discussion ever claimed for such writers, which is not at present enjoyed with perfect impunity in Upper Canada.

The law of 1818 which prohibited public meetings, is again made a subject of remonstrance, although it was repealed two years afterwards. To what end such complaints are preferred I am wholly at a loss to surmise. Yet it is not unimportant to remark, that the Assembly which repealed this statute was, if I mistake not, the same which enacted the Election Law, and that the zeal which they avowedly exhibited for the liberties of the people in one case is scarcely consistent with the imputations made by Mr. M'Kenzie against their motives in the other.

It is not a little singular, that in the present year I should receive a lengthened repetition of the complaints upon the alien question, which came before me in the year 1827, when I formerly held the seals of this department. Mr. M'Kenzie describes the instructions which I then issued as "just and equitable," and as having "removed one grand cause of discontent." I do not feel, therefore, that after the adoption of a measure so characterized, I can be again required to enter upon a detail of the very grievances for which it is admitted that an effectual remedy has been provided.

In following the order adopted by Mr. M'Kenzie, I next reach a statement, that the local government encourage dependent persons, holding offices at pleasure, and "debarred by the laws of England from being concerned at elections, to use the great influence attendant upon office to secure seats in the representative body, in order that its voice may be wholly under executive control, "although," adds Mr. M'Kenzie, "it is an undoubted truth, that the interests of the local authorities, and those of the colonists, are separate and distinct." As a writer habitually engaged in political controversies, Mr. M'Kenzie may not be fully alive to the injustice of advancing charges against the servants of the public, unsupported by distinct evidence of their truth; but it is my duty to refuse credit to such imputations as I have quoted, unless they should be clearly substantiated by evidence. For widely as I dissent from the assertion so confidently made, that the interests of the local government are distinct from those of the inhabitants at large, I admit that an abuse of the influence attendant upon office for the purpose of exercising an improper control over elections, would justly expose to the heaviest censure those to whom it could, with truth, be imputed. On this subject, however, in the absence of any more definite statements, I can only instruct you, that His Majesty expects and requires of you neither to practice, nor to allow on the part of those who are officially subordinate to you, any interference with the right of His subjects to the free and unbiassed choice of their representatives.

It is represented, that with a view to raise up and multiply the friends of arbitrary and exclusive principles, persons in authority in and out of the Assembly, resist all plans of general education, and that places of learning are established only for the children of those who hold government offices, and a few other wealthy and influential individuals. It is not easy altogether to repress the expression of those feelings with which I cannot but receive such unworthy imputations upon the character of so many upright and enlightened men, unsupported by any proof whatever, except a general reference, which I am unable to verify, to a report said to have been made on some occasion by the present chief justice of the province, on the case of Mr. Osgood.

Even

Even assuming, what is most improbable, that Mr. Robinson really obstructs, to the utmost of his power, the advance of general education and knowledge, from the base motives so lightly imputed by Mr. M'Kenzie, I utterly deny that the King's Government, either in this country or in Upper Canada, are responsible for the opinion which Mr. Robinson may some years ago have advocated in the House of Assembly. It is, however, not unimportant to advert to this subject, because Mr. M'Kenzie cannot assert more peremptorily than I deny, the existence of any such narrow and preposterous policy as that of consigning the children of the yeomanry to ignorance, lest knowledge should render them independent in action or in thought. On the contrary, there is no one object, connected with every part of His extensive dominions, which His Majesty has more at heart than the general diffusion of sound knowledge, in the legitimate and most enlarged sense of that term. This is not merely the first and highest interest of society, but is essential to the right use and peaceable enjoyment of every other civil and social privilege. The Legislature of Upper Canada have already been invited to consider in what manner the University can be best constituted for the general advantage of the whole society, and His Majesty has studiously abstained from the exercise of his undoubted prerogative of founding and endowing literary or religious corporations, until he should obtain the advice of the representatives of the people for his guidance in that respect. In the same spirit, His Majesty now directs me to instruct you to forward, to the very utmost extent of your lawful authority and influence, every scheme for the extension of education amongst the youth of the province, and especially amongst the poorest and most destitute of their number, which may be suggested from any quarter, with a reasonable prospect of promoting that great design. All minor distinctions should be merged in a general union for this important end, and at the head of that union the local government should be found encouraging and guiding, and, to the utmost of its power, assisting all the efforts which may be made to create or to foster a taste for intellectual enjoyments and pursuits. A large portion of the unappropriated wilderness has already been set apart for this purpose. If any other system of local assessment for the building of school-houses and the maintenance of teachers should be thought desirable, your assent will of course be cheerfully given to any such law; or if the provincial legislature should be of opinion that such funds would be more advantageously raised by a general duty, of which they would retain to themselves the specific appropriation from year to year, I should hail with the utmost satisfaction the enactment of a statute of that nature. This, however, is a subject involving so many and minute local details, that it is of course impossible for me to advance beyond the expression of a general, but most earnest solicitude, for the furtherance of the cause of education in its most comprehensive sense in Upper Canada. Confident in your own concurrence, and in that of the members of the Legislature, in those views, I cheerfully remit to you and to them the office of originating the necessary plans for reducing the general principle into a definite shape, requiring of yourself, in the first instance, only that you should quicken the attention of the Legislative Council and Assembly to this subject, should you have reason to apprehend that it is in danger of being overlooked or forgotten.

Mr. M'Kenzie announces his design to deliver separate papers respecting the organization of the Legislative Council, and in the meantime assails that body with charges in the highest degree derogatory from their character, though too vague to admit of any precise discussion. Amongst these general charges, I however find a statement, that "the Government has annually supplied itself with the revenues of the province, utterly disregarding every resolution of the Assembly in the tenth parliament to correct the evil. Information even (he adds) as to the objects to which the people's money is applied, is annually refused, in respect to a great part of the funds of the colony, by the colonial governors, to unanimous addresses of successive Assemblies, the Royal instructions being the plea of such refusals." To whatever facts the writer may in this passage refer, I am happy in an occasion of stating to you, that if the Royal instructions are supposed to forbid the most unreserved communications, to the House of Assembly, of the manner in which the public money of the province, from whatever sources derived, is expended, such a construction is foreign to His Majesty's design. There is no portion of the Royal revenue, whether the proceeds of Crown lands or from whatever other source derived, of the employment of which the House of Assembly should not have the most ample and particular information which they may at any time

think proper to call for. Nothing is gained by concealment upon questions of this nature, and a degree of suspicion and prejudice is not rarely excited, which, however ill founded, often appears in the result to be incurable.

Mr. M'Kenzie condemns the present House of Assembly not less vehemently than the Local Government and the Legislative Council, representing that they were chosen by the people in a state of dejection and despondency as to the reform of abuses. To sustain his argument, he is thus compelled to draw a picture of the Canadian character, in which I am confident he does His Majesty's subjects at large great injustice. I am well persuaded that no people on earth are less likely to yield themselves to the unmanly weakness of despairing of the public good, and of betraying their own most sacred duties in so pusillanimous a spirit; and in truth Mr. M'Kenzie must have persuaded himself that a degree of ignorance exists in this country respecting the affairs of Canada, which would be absolutely ludicrous, if he can really expect credit for the statement, that in the year 1830, an utter despair of vindicating the public liberties had taken possession of the minds of the inhabitants.

I deeply regret that in some parts of his papers Mr. M'Kenzie should have left in much obscurity the simple matters of fact which it might have been really important to consider. Thus he speaks of "preachers taught to meddle in the political quarrels of factions and parties, and of their leaders being accommodated with seats in the political councils of the state," and of the government "keeping in pay a political priesthood." It would have surely been as impressive, and more useful, to have stated, that the bishop and the archdeacon are both on the list of the Legislative Council, but that it is expected of those gentlemen that they should altogether abstain from interference in any secular matters which may be agitated at that Board. Whether, even under this restriction, their holding such seats is really desirable, is a question upon which I am fully prepared to listen with the utmost attention to any advice which I may receive from yourself, from the House of Assembly, or from any other competent authority. I have no solicitude for retaining either the bishop or the archdeacon on the list of councillors; but am, on the contrary, rather predisposed to the opinion, that by resigning their seats they would best consult their own personal comfort, and the success of their designs for the spiritual good of the people. But any such resignation must be voluntary, since the office is held for life; and were it otherwise, no consideration could induce me to advise His Majesty to degrade the bishop or the archdeacon from the stations they occupy, except on the most conclusive proof of misconduct. But even Mr. M'Kenzie does not impute any violation of duty to them. With respect to the charge of showing an undue preference to teachers of religion belonging to the Established Church of this country, it is so utterly at variance with the whole course of policy which it has been the object of my despatches to yourself to prescribe, that I cannot pause to repel it in any formal manner.

Much complaint is made of the expense of elections; and it is said, that public officers are enabled, by their superior affluence, to overpower by a lavish and corrupt expenditure, those who have no other recommendation than their personal character. If there is the least foundation for this complaint as to the expense of elections (which I have not the means of ascertaining), you will signify to the legislative bodies, that it is the earnest desire and recommendation of His Majesty, that every practicable method should be taken for correcting what would be so great an evil, by reducing the cost of elections within the narrowest possible limits. I cannot, however, omit observing, that even if it should turn out to be true, that the cost of elections is as great as it is represented to be, the official return of the civil establishment of the colony sufficiently shows, that it is quite impossible that the salaries received by public servants can enable them to avail themselves of this circumstance in the manner which has been alleged.

Mr. M'Kenzie states, that an inquiry into the state of the representation was instituted by the present House of Assembly on his own motion, and he has transcribed the resolutions adopted by the Committee; but he adds, that "such propositions were not suitable to the majority in the present Assembly;" that they appointed a new committee, which reported that no alterations were required in the existing laws, except by giving the County of York one additional member, and that on receiving this report, the House, instead of giving York a member, took one from it, and, as I understand, increased the number of members for the district of Bathurst. It suits the present views of this gentleman to call upon
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the executive government to censure and dissent from the resolutions of the representatives of the people, adopted after two solemn inquiries, and supported by a body of petitioners far exceeding in numbers those for whom he acts. In what language, however, such an interference of government would be denounced by Mr. M'Kenzie himself, on any occasion on which he concurred with the majority of the House, it is not difficult to conjecture. It cannot be expected that any decision of the Legislature, upon a subject of so much general interest as the Election Laws, should escape without the most vehement and unmeasured censure from the parties unfavourably affected by it. Looking, however, not to individuals, but to general interests, not to excitement of any dissatisfied party, but to permanent principle, I must positively refuse, upon a question so peculiarly within the cognizance of the House of Assembly, to place the King's Government in hostility with that body. I have every reason to suppose that the course they adopted was wisely taken, and even if I thought otherwise, their authority would compel me to distrust my own judgment.

Mr. M'Kenzie has concluded this paper by predictions of bloodshed and civil war, and a dissolution of the connection between Upper Canada and this kingdom. He may well suppose that such a prospect would be regarded by His Majesty's Government with a degree of concern and anxiety to which it would be difficult to give any adequate expression. But against gloomy prophecies of this nature, every man conversant with public business must learn to fortify his mind; they have ever been the resource of those who endeavour to extort from the fears of the Government, any concessions in favour of which no adequate reasons could be urged. I will not adopt the injurious opinions which Mr. M'Kenzie seems to entertain of the people of Upper Canada. I reject as a libel on that loyal and enlightened race of men, the supposition that they would violate their sworn fidelity to the King, and desolate their native land with blood, because His Majesty defers to the judgment of His faithful Commons in provincial parliament assembled, supported by large bodies of the most respectable and numerous petitioners, rather than to the opinions of a far less numerous, though probably a highly respectable proportion of His subjects. I will not for a moment speculate upon the probabilities of such a revolt: it is a subject which it would be utterly indecorous to agitate. The people of Upper Canada have the highest claims to the attachment of their Sovereign and of the British Nation, and whatever efforts may be made to excite discontents among them, they will, I am persuaded, believe that His Majesty and the Parliament of this kingdom, in common with the entire mass of the population of Great Britain and Ireland, cherish towards them no other sentiments than those of the most profound respect for their constitutional rights, and the most earnest desire for their social welfare. In that spirit, His Majesty's Ministers are, and have ever been, prepared to refer to the provincial legislature, the consideration of every question directly or remotely affecting the interest of the province, and even to anticipate their probable wishes, as far as is consistent with the discharge of those executive duties which the constitution has devolved upon the local government and its various functionaries. I am unconscious of a solitary instance in which my colleagues and myself have sanctioned any attempt to derogate from the privileges of the provincial parliament, or the rights of any class of His Majesty's Canadian subjects; and in the consciousness of having acted under the constant guidance of these principles, we can cheerfully appeal to the public at large, for that just appreciation of the measures of Government, which, if I could credit Mr. M'Kenzie, I might suppose was not to be expected.

I proceed to the second paper, intituled, "An Argument intended to show that it is expedient to dissolve the present Provincial Parliament of Upper Canada, and summon a new one."

After enumerating the various topics embraced in the former paper, Mr. M'Kenzie proceeds to state, that the metropolitan county condemned the conduct of the majority of the present Assembly, first by his own election in January 1832, and secondly by his election in February last; he adds, that the decision of the county of Grenville, in rejecting Mr. Jones, and choosing Mr. Norton, testified by their concurrence in his views. For the reasons already explained, I must be permitted to believe, that the electors for the metropolitan county, enlightened and worthy of all respect as they certainly are, cannot be considered as perfectly impartial judges upon the question of representation. The proposed change would invest them with an influence, of which the counties remote from the seat

of government would have the strongest reason to complain ; nor is the voice of the county of Grenville entitled to outweigh the decision of many other counties and towns which are obviously opposed to it.

It is then said that the present House should be dissolved, because it is manifest that the great body of the people are justly dissatisfied with their proceedings. It is easy to make such assertions, but not so easy to substantiate them. I must, upon such a question, give more weight to the recorded opinions of the 26,854 persons who have expressed their dissent from Mr. M'Kenzie's views, than to that gentleman's declaration, supported only by 12,075 similar attestations.

The writer then enumerates various acts of misconduct which he attributes to the present Assembly. These are, the rejection of bills for regulating township offices, for education, and for amending the jury laws. They also are charged with having granted a permanent civil list, without stipulating for the independence of the judges, and this measure is said to have been passed, both by the Assembly and the Councils, in an unusual and indecent haste. Respecting judicial independence, it must have been known to Mr. M'Kenzie, that without waiting any solicitations from the province, His Majesty had, long before the date of this paper, directed you to suggest the enactment of a bill for that purpose. His Majesty would rejoice to give his assent to such a bill, and doubts not that it will speedily be enacted. The indecorous haste which is said to have occurred in granting the civil list, seems to be very harshly ascribed to the House. The King had, without any request from them, placed at their disposal the revenues of which the law had vested the appropriation in himself ; and if in a courteous and respectful acknowledgment of so frank a concession, the ordinary forms of business were dispensed with, it is surely neither wise nor gracious thus to censure a proceeding intended and calculated to strengthen the bonds by which the Sovereign and his people are happily united. The questions of juries and township offices, are precisely such as to admit an infinite diversity of opinion respecting each specific measure proposed to the House, and no unprejudiced person would assume that a dissent from his own views on such topics implied any failure of zeal for the public good.

This paper proceeds to accumulate a body of charges against the Assembly, into the justice of which it is utterly impossible that I should enter. Whether their appropriations of public money have been prudent ; whether Mr. M'Kenzie himself was properly expelled ; whether a reduction of fees ought to have been made ; whether the term "misguided individuals" was correctly applied to Mr. M'Kenzie and others, in the address of the House to His Majesty, are topics on which I conceive it to be the duty of the King's Government rather to defer to the judgment of a body enjoying the most extensive means of local information, than to oppose to them conjectural opinions of their own.

The same conclusion is next urged on the ground of the "angry and excited state of the public mind." I should have thought that, assuming the accuracy of this statement, anger and excitement were precisely those tempers of mind in which men would be least qualified to exercise a wise and dispassionate judgment on the great question which it is proposed to refer to their determination.

The recent dissolution of Parliament in this kingdom, is quoted as a precedent in favour of a similar proceeding in Upper Canada. I will not discuss the accuracy of the analogy which it is thus attempted to draw between the two cases ; but content myself with saying, that I believe no impartial man will deny, that no real similarity exists between them. However well adapted such a topic may be for popular effect, it would be at variance with all sound principles to accept it as a ground for a great political measure.

Mr. M'Kenzie appears to have foreseen that a very numerous body of petitioners would protest against his recommendations. It is satisfactory to find, that in his attempt to repel their effect by anticipation, he has no specific statement to make, or argument to urge, but that, in his opinion, such petitions would show "the follies of the advisers of the Government, and their own inexperience." With what propriety "folly" is thus freely attributed to a body of between twenty and thirty thousand persons, or "inexperience" to those who are in the same breath condemned for having exercised an improper authority from the very infancy of the province, it were needless for me to state.

The House themselves, it appears, refused to concur in an address for their own dissolution ; in favour of the motion 18 members voted, and 27 against it ; the two parties, it is said, each representing populations numerically equal ; but, it is
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added, that 19 of the majority were persons holding offices or places at the pleasure of the Crown. Upon what grounds Mr. M'Kenzie makes this assertion, I am at a loss to conjecture. I have before me a list of the majority who voted upon the occasion referred to, and on comparing it with the annual return of the civil establishment of the colony for 1830, I cannot discover that it includes more than six gentlemen holding any public employment; of these six, one fills a situation of which the emolument is little more than nominal, being only 9*l.* a year; of the remaining five, two are the law officers of the Crown, whom I presume Mr. M'Kenzie can scarcely hold it to be desirable to exclude from the Assembly. If it could be shown that the Crown really possessed an undue influence in the provincial legislature, His Majesty would not hesitate to assent to any law which might be passed for the purpose of limiting the number of persons holding offices at pleasure who should be permitted at one time to sit there. I cannot, however, believe that any such undue influence could possibly be exercised; the popular system of election which exists in Upper Canada would enable the inhabitants speedily to dismiss from the Assembly any representative who might be capable of betraying his duty to his constituents by supporting a line of policy injurious to their interests, for so paltry a consideration as 50*l.* or 60*l.* a year, which seems to be the amount received by some of the persons to whose presence in the Assembly Mr. M'Kenzie objects. If the majority of the electors of any town or county think fit to return as their representative a gentleman who is in the public service, this only proves that the general policy of the government by which he is employed is in their opinion entitled to approbation; nor if so, can I see the slightest objection to such a choice; on the contrary, I think the presence in the Assembly of a certain number of gentlemen holding official situations, and able to explain the views and objects of the government on the different subjects which come under discussion, is calculated very much to promote the public interest.

Mr. M'Kenzie further contends, that the petitions of which he is the bearer should be credited as expressive of the general opinion of the province, because they accord with the votes of the House of Assembly of Lower Canada; because they are in harmony with the views of the last Assembly of Upper Canada; because this present Assembly has vacillated in some of its measures; because the present House have sanctioned resolutions, bills and addresses ~~negotiated by~~ the Council, or rendered ineffectual by yourself; because they correspond with the petitions presented to the House; because they are in co-incidence with certain petitions approved by the Assembly in 1828, with others presented in the House of Commons in 1831, and with another address to yourself in December last; and, finally, because they are supported by a mass of facts and testimony. These statements do not, as far as I perceive, invalidate the inference, which I am bound to draw from the fact, that Mr. M'Kenzie and his constituents are opposed by a body of petitioners who very greatly outnumber themselves. Desirous to attribute to popular opinion, when deliberately formed and calmly expressed, the weight which it is indeed impossible to deny it, I am by that very consideration compelled to believe, that in acceding to the prayer for a dissolution of the House, His Majesty would be acting, not in countenance with the judgment of the people, but in opposition to it. I must believe myself better informed than Mr. M'Kenzie respecting the affairs of Lower Canada, as I have much more ample sources of information, and I therefore deny that the cases of the two provinces are so parallel or alike that the resolutions adopted in the one could with any propriety be transferred to the circumstances of the other. I cannot assume that the ninth provincial Assembly, were it now sitting, would retain the opinions it held in a former and different period. The changes of opinion in the present House of Assembly rather prove that that body are attentive to the wishes of their constituents than the reverse, and certainly afford no argument to show that they have lost the public confidence. The "facts" and the "testimonies" to which reference is made, I have considered in the former part of this despatch.

The dissolution of the House is again urged upon His Majesty, because the same principle of extending the representation to meet the increase of the population was recognized in the Lower Canada Bill of 1829; because His Majesty assented to a reformed representation in this country; because it is desirable to conciliate the people of Upper Canada; because the Canada Committee of 1828 advised a conciliatory and constitutional system of government to be observed in the Canadas; and because Mr. Hume had, on some occasion which is not explained

excited expectations in the province which the refusal of a dissolution would disappoint.

I answer, that for whatever language Mr. Hume may have employed, that gentleman alone is responsible; and His Majesty's Government cannot be called upon to answer for any disappointment which they have had no share in producing. I further answer, that the advice to conciliate the Canadas by a constitutional system of government has been constantly borne in mind by my colleagues and myself, but that I know not what principle of the constitution calls upon us to advise His Majesty to oppose the decided voice of the House of Assembly, and the voice of the great apparent majority of the people. To retain their affections is the great object of His Majesty's policy, but how am I to suppose that this object would be promoted by thwarting the declared wishes of so preponderating a majority of them? The Royal assent to the Reform Bill in this kingdom proceeded on no principle which could be applied to the present question; and the reference to Lower Canada and the election law of that province of 1829, proves only how very imperfectly Mr. M'Kenzie is acquainted with the real history of that law.

I have thus pursued the two first papers laid before me by Mr. M'Kenzie in the most ample detail. If it should occur to you that I attach to them more importance than can fairly be claimed for the views of a single man, writing under the irritation of personal resentment, I would reply, that I have always felt it to be my duty to consider any representation which may be laid before me upon important public questions, with reference to the intrinsic merits of the questions themselves, rather than to any matter personal to the individual from whom they may immediately proceed; and in this case, I have received these documents from Mr. M'Kenzie, not merely as expressing his own opinion, but also as explanatory of the views of those who have deputed him to represent what they consider their grievances to His Majesty. To them the utmost possible respect is due; and although they have not succeeded in satisfying me that their opinions are right, and their views correct, I have been anxious at least to prove, that they had undergone the most careful scrutiny which it was in my power to bestow upon them. The only object which His Majesty's Government can have in view is the improvement and welfare of the province; and it is highly gratifying to them to believe, from all accounts which reach this country, that whilst upon some question of internal policy, and the state of the law in certain respects, differences of opinion may prevail, the prosperity of the province is rapidly advancing, in a manner calculated to draw closer the bonds of attachment by which the people are united to the mother country. It is the duty of His Majesty's Government at home, and of his representative in the province, to keep these great objects steadily in view, relying with confidence upon the good sense, the right feeling, and the warm loyalty of the people at large. It is by such a course that errors may best be amended, imperfections removed, abuses, if such there be, corrected, and all the sources of public good developed and enlarged.

Having written this despatch with a view to publicity, you have my authority to make it public in whatever manner you may think it most convenient.

I have the honour to be, Sir,

Your most obedient servant,

(signed) GODERICH.

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COPY of a DESPATCH from Major-general Sir *John Colborne* to Viscount *Goderich*; enclosing Addresses from the Legislative Council and House of Assembly.

MY LORD,

Upper Canada,
York, 16 February 1833.

I HAVE the honour to acquaint your Lordship, that being persuaded much inconvenience might arise from delaying to promulgate your Lordship's despatch of the 8th of November last, I took an early opportunity of laying this despatch, and the voluminous documents to which it referred, before the Legislative Council and House of Assembly.

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The documents were the occasion of a very angry discussion in both Houses ; and I beg leave to transmit to your Lordship the accompanying Addresses which I have received, respecting the several allusions in your Lordship's observations, which the two Houses have considered themselves called on to notice.

Under the circumstances of the case, and with reference to the petitions carried home by Mr. M'Kenzie, having been received by the House of Assembly last session, I have no doubt that your Lordship will approve of the course which I have pursued in giving publicity to your Lordship's despatch.

I have, &c.

(signed) *J. Colborne.*

TO His Excellency Sir John Colborne, Knight, Commander of the Most Honourable Military Order of the Bath, Lieutenant-governor of the Province of Upper Canada, and Major-general commanding His Majesty's Forces therein, &c. &c. &c.

May it please Your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, beg leave to express our thanks to your Excellency for laying before us an original despatch, written to your excellency by the Right Honourable the Secretary of State for the Colonies, on the 8th of November last, containing his Lordship's observations, at great length, upon a variety of statements made to him by Mr. William L. M'Kenzie, an inhabitant of this town. Having perused this despatch, we comply with your Excellency's desire in returning it to your Excellency, taking it for granted that the only reason for laying it before the Legislative Council was the direction contained in the despatch that it should receive publicity.

The statements upon which these comments have been framed, have also been laid before us by your Excellency ; but without entering into any particular consideration of their contents, with which the Council had little desire to become acquainted, enough appears in the tenor of his Lordship's observations, to make it manifest that those statements have been made with a very unusual disregard of truth, and in a spirit of wanton and intemperate hostility to the legislative and executive authorities in this province. If sufficient internal evidence of this character did not present itself to His Majesty's Secretary of State, in all such parts of those documents as relate to the affairs of this colony, we must infer, from the observations of his Lordship, that it was abundantly displayed in the principles, motives and conduct ascribed to His Majesty's Ministers in England, upon which his Lordship has necessarily the means of forming a correct opinion.

We cannot say that it may not possibly give satisfaction to some persons in this province to observe the condescending and respectful manner in which representations of so peculiar a description, proceeding from an individual, have been received and replied to, notwithstanding it is evident that they were outrageously insulting to all the constituted authorities of this colony, and scarcely less so to the people at large, in imputing to them sentiments and feelings by which they never have been, and we are convinced never will be, actuated. It is not in the nature of things, however, that the Legislative Council, or that any portion of the people in this province, of sound hearts and understandings, having the truth under their view, can regard such statements, as compose Mr. M'Kenzie's voluminous correspondence with His Majesty's Secretary of State, in any other manner than with the most unqualified contempt; a contempt which, upon every principle on which character is acquired or lost, we think it must be more conducive to the public interests and honour, and to all the ends of good government, to avow than to disclaim ; so far, therefore, as the despatch of His Majesty's Secretary of State is to be considered as a reply to those statements, or as a commentary upon information derived from the same source, we cannot regard it as calling for the serious attention of the Legislative Council ; but it is scarcely necessary to say, that in any other point of view, this expression of the sentiments of His Majesty's Government, upon several of the matters discussed by his Lordship, must be received by us with the greatest interest. Upon some of these matters it may become the duty of the Legislative Council to address themselves respectfully to their Gracious Sovereign, because they deeply concern the permanent interests of this province ;

province ; but we think that we shall best consult the respect due to the other branches of this legislature, as well as to ourselves, by forbearing to enter into any discussion upon them in connection with these documents.

We appeal, however, to the intimate knowledge of this colony which your Excellency has acquired during a residence of four years, for a confirmation of our remark, that upon several of the questions which in this despatch are most elaborately discussed, no dissatisfaction or difficulty prevails, or ever has prevailed ; that no person living here ever heard, or imagined before, that they were seriously talked of or thought of as grievances ; and that the minds of the people are so far from being disquieted by them, that it is probable not a word would be heard upon them in travelling from one extremity of the province to the other, and in mingling with its industrious population throughout every portion of it. We appeal also to your Excellency for a confirmation of the statement, that from the day on which the author of those abusive papers left this province to the present hour, the people of Upper Canada have pursued their avocations as contentedly and as happily, with as kind and liberal a confidence in the justice of their government, and as respectful a submission to the laws, as can have prevailed throughout the same period in any part of the dominions of the Crown, not excepting the most peaceable county that could be pointed out in either of the United Kingdoms.

It cannot but be highly gratifying to the Legislative Council to observe how rightly His Majesty's Government estimates the sincere and ardent attachment which binds the great body of this people to the person and government of their Sovereign, and to the constitution under which they live. It would indeed be folly to expect, that in so large a population, there may not, at any time, be found some individuals who desire to disturb the existing order of things, from the same motives, and for the same purposes, which have prompted to similar attempts in all ages and countries, and under all forms of government.

And it is not strange that there should be, among 300,000 persons, a very considerable number who, from want of information, or of sufficient reflection, or from dispositions unfavourable to candid inquiry, may be too easily deceived, and brought to unite, for a time, in measures which they would not and could not approve of, if the truth could be brought clearly under their view. But in respect to our fellow-subjects in Upper Canada, speaking of them collectively as a people, we do them sincerely the justice to believe, that it is not necessary to conciliate their good will by overlooking, upon any occasion, the broadly-marked distinctions between truth and intentional mis-statement, between honour and dishonour, patriotism and sedition.

Upon the manner in which His Majesty's Government might choose to notice the petitions of any number of the inhabitants of this province upon public or private grievances, expressed, as we must conclude they would be, in the ordinary language of serious remonstrance or complaint, it would be presumptuous in us to offer any remark ; but the documents before us are the productions of an individual, supplied and reasoned upon as matters of information, upon the general policy of this Government, and the conduct of its officers ; and they consist, in a great measure, of extracts from articles that have, from time to time, appeared in the columns of a newspaper, and which cast unmerited insults upon the representative of His Majesty in this province, upon both branches of the legislature, upon members of each House individually and by name, and upon some of the most worthy and irreproachable inhabitants of the country. These strung together with little order or connection, and bearing upon the face of them the most palpable marks of a reckless mind, have been unscrupulously thrown before His Majesty's Government, in disregard of the respect due to the high authority to which they were addressed, and in violation of the official form and decorum which constitute, in general, some protection against contumely and abuse.

It has been painful to the Legislative Council to see, that in a discussion founded upon these documents, the office of Lieutenant-governor of this Province, and the names of some of the most responsible of the King's servants, are even hypothetically connected with imputations, which no one can easily tolerate to find associated with his name.

We confess it has not been without some degree of alarm, that we have observed the great stress laid by His Majesty's Secretary of State, in the course of his discussions, upon the fact, that the petitioners, who, it seems have supported by their signatures some of the statements advanced by Mr. M'Kenzie, are very
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much outnumbered by the signers of petitions avowing opposite opinions. The Provinces of Canada are a most valuable portion of the British Empire, and their rapidly growing importance well justifies the anxious interest, and the minute attention, with which the welfare and the wishes of their people are consulted by our paternal government; but for the sake of the very numerous population which now inhabits this portion of the King's dominions, and for the sake of the millions who at no very distant period will be comprehended within their limits, we earnestly hope, that the stability of those institutions upon which our social happiness depends, is so far secure, that there are some points which, from their vital importance, will be firmly and inflexibly maintained, and for reasons more satisfactory and conclusive than an accidental preponderance in the number of petitioners on one side or the other; and that the government of our mother country will feel it to be an indispensable duty to uphold them with constancy against any unfounded prejudice or complaint, however supported. The Legislative Council feel it right also in candour to declare to your Excellency, that they have perceived in various parts of his Lordship's despatch, and not without extreme regret, that to the complaints urged against the executive government of this colony, and its officers, charging them with actual misconduct, or with culpable indifference to the interest of the colony and the happiness of its people, it seems to have been thought material, if not satisfactory, to reply in substance, that if indeed such imputations could be truly made, no blame can attach to His Majesty's Government in England, either because these abuses occurred in times that are past, or because the responsibility rests wholly with the persons inculpated; and in some instances a degree of colour is given to the complaint, by an express direction to your Excellency not to practice or to suffer any such abuse in future, or to give your utmost attention to the particular subject in discussion, which it might from thence be supposed has thus been brought, for the first time, under the attention of His Majesty's Government.

The Legislative Council trust they may be permitted to remark, that if the many faithful subjects of His Majesty in this country, whose knowledge of the truth, and whose sentiments led them justly to appreciate the acts and intentions of His Majesty's Government, had always contented themselves with vindicating them in the same spirit against aspersions unsupported by evidence, and advanced for the sole purpose of weakening the respect which should be felt for them, there might have been found somewhat less of that confidence in the government of the mother country, which every good man has felt it to be his duty to maintain and cherish.

And they cannot but think it much to be deplored, that on some most interesting public questions, whatever the Government and the Legislature of this colony have done, and are doing, in the zealous discharge of their duty, seems to have been unfortunately for the time lost sight of, so much as to leave ground for the inference, that it was necessary to quicken attention even to the obvious duty of promoting the religious and moral instruction of the people, by enforcing the suggestions of an individual, who unhappily employs the education he has received in misleading public opinion, and in sowing discontent among a happy and loyal people. We have not failed to remark, that in the observations which His Majesty's Secretary of State has made upon the subject of the Legislative Council, it seems not to have been present, at the moment, to his Lordship's recollection, although it must, of course, have been familiarly known to his Lordship, that that branch of the Legislature is not composed here, as in many chartered governments, of the same body which constitutes the executive council of the governor. It is therefore, as we most respectfully suggest, not accurately spoken of as "a board," being in fact a deliberative assembly, distinct from the executive department, constituted by a British Act of Parliament, and composed of members from various districts of the province who hold their office for life, whose duties are exclusively legislative, and in which all that is done is openly and publicly discussed, and proceeded in according to the same formalities as are observed in the representative branch of the legislature. Under this constitution, which created and preserves them an independent body, the Legislative Council has, for a long series of years, and for many successive parliaments, proceeded in a spirit of perfect harmony with the House of Assembly, with but one interruption, occasioned by a discussion on a point of privilege, in which each branch doubtless maintained those principles which it thought essential to its just independence.

However different may have been the opinions formed in the two Houses upon the principles or details of particular measures, neither has manifested the inclination to deny to the other the free exercise of their judgment upon all questions, and they have constantly proceeded in a spirit of cordial co-operation in the advancement of objects and undertakings, by the aid of which this province is making the most rapid and satisfactory progress, and is attaining to great importance as an agricultural and commercial country. It is the very intention of our constitution that the several branches of the Legislature should act as mutual checks upon each other, in order to prevent the too hasty adoption of measures of doubtful expediency; but when this check is interposed and felt, it is not unlikely to happen that persons of impatient and impetuous tempers look thenceforward with an unfavourable eye upon the barrier which obstructs the fulfilment of their wishes, and exert unscrupulously every effort to undermine or overthrow it.

For a just and steady support against every such attempt, the Legislative Council had always relied with a natural and habitual confidence upon the consideration and prudence of the parent state; but they confess with pain that this confidence was in some degree impaired when they found a committee of the House of Commons, a few years ago, in the course of an inquiry into the affairs of the provinces of Canada, proposing to such individuals as happened to be at hand a variety of questions apparently framed for the very purpose of drawing forth expressions of dissatisfaction with the manner in which the Legislative Councils were constituted, and really pressing upon them, as it were, to give a sanction by their voice to the opinion, that the councils should be rendered elective; a change which we are convinced no portion of the people of this province had ever to that moment contemplated, and which we venture to say is one of the very last changes which any friend to the best interests of these colonies would desire to see adopted.

To lead, however, to this conclusion, a variety of questions were proposed relative to the conduct of the Councils in rejecting or amending bills, and these were proposed to individuals in no measure responsible for the acts of the Council, nor competent in any degree to account for or explain them.

It could not be otherwise than that, by such a proceeding, an injury must be inflicted upon the character of the Council, by which its efficiency might be more or less impaired, a consequence certainly not to be desired, and of which the prospect was the more painful to this Council from the consciousness that no conclusion to their prejudice would have been drawn by candid men after that explanation of their proceedings, which alone could make them intelligible, and which the gentlemen conducting the inquiry were wholly without.

The Legislative Council feel it necessary also at this time, after perusing the despatch of His Majesty's Secretary of State, to declare, with what disappointment and regret they perceive that in an official communication which is directed to be made public, and which has been elicited by the extraordinary representations alluded to, His Lordship has thought it necessary to make express and particular reference to individual members of the Council, commenting upon the profession to which they belong, declaring the line of conduct which His Majesty's Government has enjoined upon them while they continue to be members, and intimating His Lordship's preference that they should resign their seats.

In respect to the part which the members alluded to shall take in the measures and deliberations of the Legislative Council, it is well known to the Council, that nothing could have been less called for than the injunction which has been thus publicly announced, and it is much to be regretted that the expression of this injunction upon such an occasion, and in such a manner, should now render it difficult for those gentlemen to persevere in a line of conduct into which their own inclination and convenience had led them, but which they could not honourably have consented to adopt either upon compulsion or upon any other suggestion than that of their own judgment.

The Council takes this occasion to remonstrate respectfully, but earnestly, against this assumed right of influencing the conduct or controlling the attendance of individual members.

They claim to be regarded as a perfectly independent branch of the Legislature; they feel it to be their duty to the people of this province, no less than to themselves, that they should really maintain that character; and they are painfully sensible that the honour of the Council collectively, and of each member of it
individually,

individually, is concerned in their asserting to the full the privileges which the constitution has vested in them.

They observe, with pleasure, the declaration of his Lordship, in one part of his despatch, that His Majesty's Government has no right to interfere in the proceedings of the Council; and they should have felt most happy if the same conviction which dictated that declaration had also suggested, that no individual member can constitutionally be instructed upon the part which he may take in those proceedings. If, instead of being appointed to the Council for life, the members of that body had held their seats at the pleasure of His Majesty, it would seem but a reasonable consequence, that either that pleasure should be conclusively expressed, by absolutely removing the member, or that he should be left to be freely governed by his own discretion in respect to the frequency of his attendance in his place, as well as the extent to which he may participate in the acts and deliberations of the House.

The Legislative Council observes, that His Majesty's Secretary of State adverts in the despatch to a statement that Mr. Hume had excited expectations of certain measures in regard to this colony, which expectations ought not to be disappointed. Upon this point it is not unimportant, in the opinion of the Council, to observe, that if reliance could be placed on the same source of authority on which most of those assertions rest which have occupied so much of the attention of His Majesty's Government, Mr. Hume would indeed be responsible in no small degree for any discontent which may in time be produced in this province in respect to its constitution and government; but the Council sincerely trusts that it is not with truth represented that the measures beginning to be introduced into this prosperous colony for establishing political unions, which threaten alike the peace and the liberty of the people, are pursued under his recommendation; the Council, indeed, are bound at present to discredit it. It would be difficult to conceive what motives would justify, or what feeling could impel, any one of our fellow-subjects in England to such a proceeding. The people of Upper Canada are at this moment among the most favoured on earth; they enjoy peace, liberty, security and abundance, on a fertile soil and in a healthful climate, with an almost total exemption from burthens of any kind, and they enjoy these at a time when distress, tumults, and the prospect of war, occasion suffering and anxiety in most countries of the world.

If under these circumstances there can be any considerable number who are really not contented with their lot as inhabitants of Upper Canada, the only cause of their unhappiness must be, that they have not the disposition to be thankful.

The Legislative Council, after a perusal of this despatch of His Majesty's Secretary of State, has thus frankly expressed to your Excellency those sentiments which, if they had forborne to give them utterance, must nevertheless have remained impressed upon their minds. It is their earnest hope that they will not be thought to have departed, on this occasion of unusual delicacy, from that respect to His Majesty's Government of which they are conscious that the Legislative Council has never been unmindful. They do not entertain the thought that a Minister of the Crown can ever apply himself to the affairs of this colony with any other wish or intention than to do good, and they recognize in the voluminous despatch which has been placed before them the most anxious desire to place in their true point of view some questions to which the attention of His Majesty's Government had been called, not merely, as the Council is aware, by the representations of an individual, but by the petitions of a number of His Majesty's subjects in this province. For the desire thus shown, the Legislative Council cannot be otherwise than thankful; and they lament the more, that in a document in which an anxiety to allay prejudice is, on the whole, so manifest, occasion should have been given for the expression of deep regret at the impressions which some of its passages are calculated to produce. The Council, with the greatest deference to His Majesty's Government, beg further to add, that although they are far from thinking that no importance should be attached to the respectability of the source from whence information upon the public affairs of this colony, or the conduct of its government, is sought and derived, yet with respect to various opinions expressed, it would have seemed to the Council to evince a departure from all former usages, almost equally to be regretted, to have found His Majesty's Government involved in public discussions upon the com-

position and proceedings of the Legislative Assemblies of this colony, in consequence of the representations of any one of its most respectable inhabitants.

Your Excellency having transmitted to the Legislative Council the despatch and documents referred to, as the only method which we feel could have been consistent with the dignity of the Government for giving to them the publicity required by His Majesty's Minister, we have thought it the more regular and respectful course to address to your Excellency our unanimous sentiments upon them, under the expectation, however, that your Excellency will deem it proper to transmit a copy of this address to His Majesty's Secretary of State for the Colonies.

Legislative Council Chamber, }
2d day of February 1833. }

John B. Robinson, Speaker.

TO His Excellency Sir John Colborne, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant-governor of the Province of Upper Canada, Major-general commanding His Majesty's Forces therein, &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, return our thanks for your Excellency's message of the 12th day of January last, transmitting a despatch of the Right honourable the Secretary of State for the Colonies, in answer to certain letters and documents addressed to his Lordship for the purpose of proving that the people of this happy and prosperous colony are oppressed and burthened with grievances, and have become so discontented, that there is danger of revolt and bloodshed unless those alleged burthens and grievances are removed and redressed.

We most readily concede that the noble Secretary of State was actuated by the best motives in framing the despatch in question, but we cannot refrain from expressing our great regret, that it did not occur to his Lordship, that allegations thus deeply affecting the character of His Majesty's subjects of Upper Canada rested on no better testimony than that of an individual who had been twice expelled this House, and who, in consequence of his having fabricated and reiterated libels of the grossest description, had been declared unfit and unworthy a seat in the Assembly during the present Parliament. If this fact had occurred to his Lordship, it is reasonable to suppose that he would not have felt himself at liberty to recognize the author of this additional calumny on the people of this province, as the agent or as speaking the sentiments of any portion of the loyal inhabitants of the province of Upper Canada, and would therefore have considered it utterly unnecessary to enter into so elaborate an examination or refutation of anything advanced by him.

The House of Assembly are unwilling to occupy your Excellency's time or attention by commenting on the details of the despatch, or on the different matters referred to in it, as constituting grounds of complaint on the part of a few of the people of this province; they will merely remark, that the remedy for any ills alleged to exist is placed in the hands, and is within the constitutional power, of the legislature of the colony; and the noble Secretary of State does the people of this province but justice in believing, that there are no people on earth who are less likely to yield to the unmanly weakness of despairing of the public good, and of betraying their most sacred duties in a pusillanimous spirit. Acting upon principles and feelings diametrically opposite to those imputed to them, we are confident that they will take care to exercise their rights as freemen and British subjects, in such a manner as will ensure the election of representatives who will maintain our excellent constitution, guard our rights, and with the concurrence of the other branches of the legislature, adopt such measures as may appear necessary for removing any just ground of complaint.

Commons House of Assembly, }
9th day of February 1833. }

(signed) *Arch^d M'Lean,*
Speaker

— No. 3. —

ADDRESS to His Majesty from the Inhabitants of *Lenox* and *Addington*.

To the King's Most Excellent Majesty,

Most Gracious Sovereign,

We, Your Majesty's dutiful and loyal subjects, inhabitants of the counties of Lenox and Addington, in the midland district and province of Upper Canada, beg leave humbly and respectfully to tender our most hearty and sincere thanks to Your Majesty, for the consideration which Your Majesty has been pleased to bestow upon the representations and petitions of Your Majesty's subjects in this province, as evinced by the despatch of Lord Goderich, Your Majesty's Secretary of State for the Colonies, dated 8th Nov. 1832, and transmitted by His Excellency the Lieutenant-governor Sir John Colborne, to the House of Assembly, during the recent session of our provincial parliament. Trusting, as we do, that the paternal care manifested in that despatch, and a free, unrestrained and direct communication between Your Majesty's Government and the people of Upper Canada, will be the means of perpetuating the bonds of loyalty, affection and gratitude which bind us to Your Majesty's person and government, and believing that the various measures of reform mentioned in the despatch, many of which have long been most anxiously desired by a large majority of the people of this province, if adopted, cannot fail to render Your Majesty's faithful subjects more prosperous, contented and happy.

(signed) *Henry Lather.*
(And 1,604 other Signatures.)

— 4. —

ADDRESS to His Majesty from the Inhabitants of *Cobourg*.

To the King's Most Excellent Majesty,

May it please Your Majesty,

WE, Your Majesty's dutiful and loyal subjects of the town of Cobourg and its vicinity, beg leave to renew the pledges of our fidelity and loyal attachment to Your Majesty's person and government, and to express our unfeigned gratitude for the interest Your Majesty has always taken in the welfare of this province, and especially for Your Majesty's benevolent concurrence in the liberal suggestions contained in the despatch of Your Majesty's Colonial Secretary, the Right Honourable Lord Viscount Goderich, bearing date the 8th of November last.

It has occasioned no less surprise than regret, that this wise and conciliatory act of Your Majesty's Government, which reflects the highest honour on their justice and liberality, and which has called forth the grateful feelings of Your Majesty's loyal subjects in Upper Canada, has not been met with corresponding sentiments by our local legislature.

We owe it to Your Majesty, and to Your Majesty's Government, as well as to ourselves, to give our unhesitating assurance, that the sentiments of gratitude thus conveyed are in common with those of the great body of the people, and that Your Majesty's condescending kindness has thereby strengthened the bond which unites both countries together.

That Your Majesty will continue to pay a parental regard to the just complaints of Your Majesty's Canadian subjects, and that Your Majesty's Government will always consult the prosperity and happiness of the province, we confidently anticipate; and we pray that Your Majesty may long reign over a prosperous, united and happy people.

(signed) *Geo. Boswell.*
(And 595 other Signatures.)

UPPER CANADA.

COPY of a Despatch addressed by the Secretary of State for the Colonies to the Lieutenant Governor of *Upper Canada*, dated 8th November 1832, on the subject of PETITIONS from the People of that Province for the Removal of his Excellency, the Dissolution of the LEGISLATURE, and the Remedy of certain alleged GRIEVANCES; and of any ADDRESSES to His MAJESTY from the Legislative Council, or from other Inhabitants of the Province, agreed to in consequence of the said Despatch.

(*Mr. Hume.*)

*Ordered, by The House of Commons, to be Printed,
20 August 1833.*

WHEAT, &c. IMPORTED.

AN ACCOUNT of all WHEAT, FLOUR, and other CORN, Imported into the UNITED KINGDOM from the NORTH AMERICAN COLONIES, from the Year 1813 to the Year 1833

Y E A R S.	Wheat.		Wheat Meal and Flour, stated in Quarters.		Barley and Barley Meal.		Oats and Oatmeal.		Rye and Rye Meal.		Peas.		Indian Corn and Meal.		TOTAL.
	Quarters.	Bushels.	Quarters.	Bushels.	Quarters.	Bushels.	Quarters.	Bushels.	Quarters.	Bushels.	Quarters.	Bushels.	Quarters.	Bushels.	
1813	-	-	-	7	-	-	-	-	-	-	-	-	-	-	7
1814	-	-	2	5	-	-	-	-	-	-	-	-	-	-	2
1815	-	-	25	-	-	-	-	-	-	-	-	-	-	-	25
1816	-	-	2	7	-	-	-	-	-	-	-	-	-	-	3
1817	-	17,606	10,584	1	-	-	-	-	-	-	679	3	-	4	28,870
1818	-	47,242	6,894	2	165	3	-	-	-	-	2,315	3	-	-	56,617
1819	-	9,099	1,323	4	1,018	4	25	-	-	-	2,791	1	-	-	14,257
1820	-	29,167	11,568	1	86	6	6	2	-	-	3	6	64	6	40,897
1821	-	38,293	2,320	-	-	-	-	-	-	-	303	1	-	-	40,916
1822	-	22,476	785	1	-	-	-	-	-	-	178	2	-	-	23,439
1823	-	96	112	5	-	-	-	-	-	-	-	-	-	-	209
1824	-	721	169	5	-	-	-	-	-	-	-	-	-	-	890
1825	-	90,686	3,517	5	-	-	-	-	-	-	1,016	5	-	-	95,221
1826	-	26,821	522	1	-	-	-	-	-	-	3,236	-	-	-	30,579
1827	-	50,925	6,163	7	-	4	372	-	-	-	3,458	2	300	2	61,220
1828	-	14,415	4,735	6	-	-	580	-	-	-	1,868	3	5	-	21,604
1829	-	4,055	1,594	1	-	-	61	4	-	-	1,616	2	7	4	7,335
1830	-	58,963	17,690	2½	-	4	1,554	5	-	-	1,424	6½	-	-	79,634
1831	-	100,796	27,531	6½	248	-	7,114	-	-	233	461	6	-	4	226,386
1832	-	89,748	13,951	6	96	7	710	1	-	-	8	-	-	3	104,515

Inspector General's Office, Custom House, London, }
27 August 1833.

WILLIAM IRVING,
Inspector General of Imports & Exports.

WHEAT, &c. IMPORTED.

AN ACCOUNT of all WHEAT, FLOUR, and other
CORN, Imported into the UNITED KINGDOM
from the NORTH AMERICAN COLONIES, from
the Year 1813 to the Year 1833.

(*Sir Henry Willoughby.*)

*Ordered, by The House of Commons, to be Printed,
28 August 1833.*

CORN IMPORTED.

AN ACCOUNT of all CORN and FLOUR Imported into *Great Britain* from *Canada*,
during the last Five Years ; specifying the Quantities in each Year.

SPECIES of CORN AND FLOUR.	QUANTITIES IMPORTED INTO THE UNITED KINGDOM FROM CANADA.				
	YEAR 1828.	1829.	1830.	1831.	1832.
	<i>Quarters. bus.</i>	<i>Quarters. bus.</i>	<i>Quarters. bus.</i>	<i>Quarters. bus.</i>	<i>Quarters. bus.</i>
WHEAT - - -	14,415 4	4,055 5	58,963 6	189,885 1	88,686 6
BARLEY - - -	- - -	- - -	- - -	209 5	—
OATS - - -	580 -	61 4	1,223 1	3,750 2	- 2
PEASE - - -	1,868 3	1,616 2	1,424 6	461 6	8 -
INDIAN CORN - -	5 -	7 -	—	—	—
TOTAL of CORN -	16,868 7	5,740 3	61,611 5	194,306 6	88,695 -
	<i>Cwts. qrs. lbs.</i>	<i>Cwts. qrs. lbs.</i>	<i>Cwts. qrs. lbs.</i>	<i>Cwts. qrs. lbs.</i>	<i>Cwts. qrs. lbs.</i>
WHEAT MEAL or } FLOUR - - }	16,571 - 27	5,579 1 -	61,904 3 13	96,039 1 14	48,809 2 27
OATMEAL - - -	- - -	- - -	519 1 13	142 - 24	1 2 13
INDIAN MEAL - -	- - -	1 3 6	—	—	—
RYE MEAL - - -	- - -	- - -	- - -	885 - 15	—
TOTAL of MEAL } and FLOUR - }	16,571 - 27	5,581 - 6	62,424 - 26	97,066 2 25	48,811 1 12

Inspector General's Office,
Custom House, London,
17 April 1833.

WILLIAM IRVING,
Inspector General of Imports & Exports.

CORN IMPORTED.

AN ACCOUNT of all CORN and FLOUR
Imported into *Great Britain* from *Canada*,
during the last Five Years; specifying the
Quantities in each Year.

(*Mr. H. Handley.*)

Ordered, by The House of Commons, to be Printed,
19 April 1833.

UPPER CANADA CLERGY.

FURTHER RETURN to an Address of the Honourable The House of Commons,
dated 6 February 1833;—for,

STATEMENT, in Detail, showing what PAYMENTS were made to Bishops, Rectors, Missionaries, or other Religious Teachers in *Upper Canada*, whether of the Churches of *England, Rome, Scotland*, or any other Denomination, during the last Year, out of Funds raised in the Province; showing the Authority by which the several Payments were made, the Names of the Persons so paid, the Amount they severally received, and their Stations as such Missionaries or Teachers.

(*In continuation of Paper presented 25 June 1833, No. 432.*)

Colonial Department, Downing-Street, }
22 July 1834.

R. W. HAY.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
23 July 1834.

STATEMENT, in Detail, showing what PAYMENTS, were made to Bishops, Rectors, Missionaries, or other Religious Teachers in *Upper Canada*, whether of the Churches of *England, Rome, or Scotland*, or any other Denomination, during the Year 1832, out of Funds raised in the Province; showing the Authority by which the several Payments were made, the Names of the Persons so paid, the Amount they severally received, and their Station as such Missionaries or Teachers.

NAMES AND DESIGNATION.	Sterling Dollars at 4/6 each.			AUTHORITY.	STATIONS.
CHURCH OF ENGLAND:					
To the Bishop of Quebec, allowance for house rent - - - - }	£.	s.	d.	{ Sir Geo. Murray's des- patch, 25th Jan. 1830. Despatch from the Lords of the Treasury, 31st August 1827 - }	York.
Salary to the Hon. & Rev. John Strachan, Archdeacon of York - }	180	-	-		
Ditto to the Rev. Geo. O. Stuart, as Archdeacon of Kingston - - }	300	-	-		
Ditto to ditto, as one of the esta- blished clergy - - - - }	300	-	-	- - ditto.	Kingston.
	100	-	-	{ Despatch from the Duke of Portland, dated 11th September 1797, mark- ed No. 5 - - - }	
Job Deacon, ditto - - - -	50	-	-	{ Viscount Goderich's despatch, 22d Novem- ber 1832 - - - }	Adolphus Town.
Romaine Rolph - - - -	100	-	-	- - ditto - - -	Amherstburg.
John Miller - - - -	100	-	-	- - ditto - - -	Ancaster.
John Stroughton - - - -	100	-	-	- - ditto - - -	Bath.
Richard Harte - - - -	100	-	-	- - ditto - - -	Beckwith.
Thomas Campbell - - - -	100	-	-	- - ditto - - -	Bellville.
William Gunning - - - -	100	-	-	- - ditto - - -	Brockville
John Grier - - - -	100	-	-	- - ditto - - -	Carrying Place.
Joseph Thompson - - - -	100	-	-	- - ditto - - -	Cavan.
Thomas Morley - - - -	100	-	-	- - ditto - - -	Chatham.
William Leeming - - - -	100	-	-	- - ditto - - -	Chippawa.
Alexander Neil Bethune	100	-	-	- - ditto - - -	Cobourg.
George Archbold - - - -	100	-	-	- - ditto - - -	Cornwall.
John Anderson - - - -	100	-	-	- - ditto - - -	Fort Erie.
George R. F. Grout - - - -	100	-	-	- - ditto - - -	Grimsby.
William Macaulay - - - -	100	-	-	- - ditto - - -	Hallowell.
Archdeacon Stuart - - - -	50	-	-	- - ditto - - -	Kingston.
Edward G. Boswell - - - -	100	-	-	- - ditto - - -	London.
Ralph Leeming - - - -	100	-	-	- - ditto - - -	{ March and Hun- ley.
Vincent P. Mayerhoffer - - - -	50	-	-	- - ditto - - -	{ Markham an Vaughan.
John G. B. Lindsay - - - -	50	-	-	- - ditto - - -	Matilda.
Thomas Creen - - - -	100	-	-	- - ditto - - -	Niagara.
Frederick Mack - - - -	50	-	-	- - ditto - - -	Osnabruck.
Henry Patton - - - -	100	-	-	- - ditto - - -	Oxford.
Michael Harris - - - -	100	-	-	- - ditto - - -	Perth.
Samuel Armour - - - -	75	-	-	- - ditto - - -	Peterborough.
James Coghlan - - - -	100	-	-	- - ditto - - -	Port Hope.
Robert Blakey - - - -	100	-	-	- - ditto - - -	Prescott.
Robert Short - - - -	100	-	-	- - ditto - - -	Richmond.
William Johnson - - - -	50	-	-	- - ditto - - -	Sandwich.
James Clarke - - - -	100	-	-	- - ditto - - -	St. Catharine's.
Mark Burnham - - - -	100	-	-	- - ditto - - -	St. Thomas.
James Magrath - - - -	75	-	-	- - ditto - - -	Toronto.
J. G. Weagant - - - -	75	-	-	- - ditto - - -	Williamsburg.
Francis Evans - - - -	100	-	-	- - ditto - - -	Woodhouse.
Rossington Elms - - - -	100	-	-	- - ditto - - -	Yonge.
Archdeacon Strachan - - - -	137	10	-	- - ditto - - -	York.
Saltern Givens - - - -	100	-	-	- - ditto - - -	{ Mohawks. Bay of Quinte.
Rev. G. Mortimer - - - - }	87	10	-		
Rev. A. Palmer - - - - }					
Carried forward - - - -	£.	4,430	-	-	

UPPER CANADA CLERGY.

3

NAMES AND DESIGNATION.	Sterling Dollars at 4/6 each.			AUTHORITY.	STATIONS.
	£.	s.	d.		
Brought forward - - -	4,430	-	-		
CHURCH OF ROME:					
Right Rev. Alexander M'Donell, R. C. Bishop of Regiopolis -	500	-	-	{ Lord Goderich's des- patch, 23d May 1831 }	York.
Very Rev. William P. M'Donald -	54	-	-		Kingston.
Rev. William Fraser -	54	-	-	- ditto -	St. Raphael's.
Rev. James Crowley -	54	-	-	- ditto -	Peterboro'.
Rev. John Cullen -	63	10	-	- ditto -	Bytown.
Rev. James Bennett -	54	-	-	- ditto -	Monaghan.
Rev. Michael Brennan -	56	14	-	- ditto -	Bellville.
Rev. John M'Donald -	54	-	-	- ditto -	St. Raphael's.
Rev. John M'Donald -	54	-	-	- ditto -	Perth.
Rev. James Campion -	24	6	-	- ditto -	Prescott.
Rev. William O'Grady -	54	-	-	- ditto -	York.
Rev. Angus M'Donell -	54	-	-	- ditto -	Sandwich.
Rev. George O'Hay -	24	6	-	- ditto -	Sandwich.
Rev. Edward Gordon -	54	-	-	- ditto -	Kingston.
Rev. Murt Lalor -	54	-	-	- ditto -	Toronto.
Rev. Laurence Dempsey -	54	-	-	- ditto -	Penetanguishene.
Rev. John Cassidy -	54	-	-	- ditto -	Guelph.
Rev. Patrick Foley -	54	-	-	- ditto -	River Thames.
Rev. Daniel Downie -	24	6	-	- ditto -	York.
Patrick Dollard, teacher -	10	-	-	- ditto -	Sandwich.
William Kinnelly, ditto -	10	-	-	- ditto -	Sandwich.
Religious Women, ditto -	33	-	-	- ditto -	Sandwich.
John Butler - ditto -	32	18	-	- ditto -	York.
Angus M'Donald, ditto -	19	-	-	- ditto -	Alexandria.
	1,500	-	-		
CHURCH OF SCOTLAND:					
Allowance to the Rev. Wm. Rintoul -	£. 90	-	-	{ Lord Goderich's des- patch, 23d May 1831 }	York.
Rev. Rob. M'Gill -	62	10	-		Niagara.
Rev. Thos. C. Wilson -	62	10	-	- ditto -	Perth.
Rev. Jno. Cruickshank -	62	10	-	- ditto -	Bytown.
Rev. George Cheyne -	62	10	-	- ditto -	Amherstburg.
Rev. John Machar -	62	10	-	- ditto -	Kingston.
Rev. James Ketchen -	62	10	-	- ditto -	Bellville.
Rev. Wm. Stewart -	62	10	-	- ditto -	Galt.
Rev. John M'Kenzie -	62	10	-	- ditto -	Williamstown.
Rev. Hugh Urquhart -	62	10	-	- ditto -	Cornwall.
Rev. John M'Laurin -	62	10	-	- ditto -	Lochiel.
Rev. George Sheed -	56	10	5 ½	- ditto -	Ancaster.
Rev. Wm. M'Allister -	62	10	-	- ditto -	Lanark.
Rev. James Smith -	62	10	-	- ditto -	Guelph.
Rev. Alex. Ross -	62	10	-	- ditto -	Aldborough.
Rev. Arch. Connell -	62	10	-	- ditto -	Martintown.
	1,021	10	5 ½		
The Rev. William Bell, Presbyterian minister of the Military Settlement, Bathurst District -	100	-	-	{ Lord Bathurst's des- patch, 12th April 1817 }	Perth.
	£.	7,051	10 5 ½		

N. B.—Besides this amount the following sums were authorized in this year to be placed at the disposal of the Presbyterian Synod, Methodist Conference, and Roman-catholic Bishop and Clergy, for the purpose of building churches and chapels; in compliance with their several Petitions on that subject.

Presbyterians in communion with the Church of Scotland - - -	£.	s.	d.
Presbyterian Synod of Upper Canada, for the payment of salaries to their ministers - - -	900	-	-
Roman-catholics - - -	700	-	-
British Wesleyan Methodists - - -	900	-	-
Canadian Methodists - - -	600	-	-
TOTAL - - - £.	4,000	-	-

UPPER CANADA CLERGY.

STATEMENT, in Detail, showing what PAYMENTS were made to Bishops, Rectors, Missionaries, or other Religious Teachers, in *Upper Canada*, whether of the Churches of *England*, *Rome*, *Scotland*, or any other Denomination, during the last Year, out of Funds raised in the Province.

(*Mr. Hume.*)

*Ordered, by The House of Commons, to be Printed,
23 July 1834.*

UPPER CANADA COMPANY.

RETURN to an Address to HIS MAJESTY, dated 22 May 1833 ;—for,

A RETURN of all MONIES RECEIVED from the CANADA COMPANY, and the
APPLICATION thereof.

Colonial Department, Downing-street, }
4 March 1834.

R. W. HAY.

Copy DESPATCH, and Enclosures, from Sir *J. Colborne* to the Right Hon.
E. G. Stanley ; dated Upper Canada, York, 20 September 1833.

SIR,

I HAVE the honour to transmit to you the accompanying Return of all
Monies received from the Canada Company, and the application thereof, in con-
formity to the directions contained in your Despatch of the 31st May last.

I have, &c.
(signed) *J. Colborne.*

RETURN of all the MONIES RECEIVED from the CANADA COMPANY, and the APPLICATION thereof.

PERMANENT ANNUAL CHARGES										Payments made for the Service of the undermentioned Years.													
As Authorized and Approved by the Right Honourable the Lords Commissioners of His Majesty's Treasury, by Despatch of 31st August 1827.										RATE per Annum, £. sterling.		1827.		1828.		1829.		1830.		1831.		1832.	
										£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.		
Salary of the Lieutenant-Governor										2,000	-	2,000	-	2,000	-	2,000	-	2,000	-	2,000	-	2,000	-
Chief Justice										1,100	-	1,100	-	1,100	-	1,100	-	1,100	-	1,100	-	1,100	-
Attorney-General										300	-	300	-	300	-	300	-	300	-	300	-	300	-
Solicitor-General										100	-	100	-	100	-	100	-	100	-	100	-	100	-
2 Judges, Court of King's Bench, at 750 l. each										1,500	-	1,500	-	1,500	-	1,500	-	1,500	-	1,500	-	1,500	-
2 Sheriffs, at 100 l. each										200	-	200	-	200	-	200	-	200	-	200	-	200	-
5 Executive Councillors, at 100 l. each										500	-	500	-	500	-	500	-	500	-	500	-	500	-
Clerk of Crown and Pleas										100	-	100	-	100	-	100	-	100	-	100	-	100	-
Secretary and Registrar										300	-	300	-	300	-	300	-	300	-	300	-	300	-
Clerk of the Council										100	-	100	-	100	-	100	-	100	-	100	-	100	-
Receiver-General of Revenues										200	-	200	-	200	-	200	-	200	-	200	-	200	-
Surveyor-General of Lands										300	-	300	-	300	-	300	-	300	-	300	-	300	-
Archdeacons of York and Kingston, at 300 l. each										600	-	600	-	600	-	600	-	600	-	600	-	600	-
King's College										1,000	-	457	12 10	573	-	1,000	-	1,000	-	1,000	-	1,000	-
Scotch Presbyterian Clergy (increased to 1,000 l. by Lord Goderich's Despatch of 23 May 1831)										750	-	200	-	573	-	682	4 7	773	18 8 ½	783	18	990	5 5 ½
Salary of Roman-catholic Bishop (increased to 500 l. by Lord Goderich's Despatch of 23 May 1831)										500	-	750	-	400	-	400	-	400	-	400	-	400	-
Roman-catholic Priesthood (increased to 1,000 l. per ditto Despatch)										750	-	800	-	750	-	750	-	750	-	750	-	750	-
Allowance to Colonel Talbot, including 1826										400	-	277	10 -	400	-	400	-	400	-	400	-	400	-
Pension to Mrs. Campbell, with Premium on Exchange										250	-	200	-	200	-	135	19 7 ½	200	-	200	-	200	-
Ditto to Sir David William Smith										200	-	200	-	200	-	200	-	200	-	200	-	200	-
Ditto to the Family of the late Major-General Shaw										100	-	100	-	100	-	100	-	100	-	100	-	100	-
Seven Years' Compensation in lieu of Fees to the Officers of the Land Granting Department										2,566	3 8	2,566	3 8	2,566	3 8	2,566	3 8	2,566	3 8	2,566	3 8	2,566	3 8
Agent for the Receipt and Payment of the Monies arising from this Fund										200	-	200	-	200	-	200	-	200	-	200	-	200	-
Salary to Rev. Dr. Phillips, as Master of the Royal Grammar School										200	-	200	-	200	-	200	-	200	-	200	-	200	-
Paid into the Military Chest at Montreal, by order of the Treasury, for the purchase of Bills of Exchange to replace the like sum advanced in England for the service of Upper Canada, with Agency										-	-	3,361	17 2	-	-	-	-	-	-	-	-	-	-
										£.		16,213	3 8										
Paid Absalom Shade for cutting and clearing a Road through the South Block of Clergy Reserves, adjoining the Canadian Company Tract in the Gore District, pursuant to Contract										-	-	429	15 6 ½	-	-	-	-	-	-	-	-	-	-
Certain Contingency of the Surveyor-general's Department, by order of the Honourable Executive Council										-	-	23	14 9	-	-	-	-	-	-	-	-	-	-
										£.		14,320	4 9 ½	13,934	7 10 ½								
Compensations for Surveys, paid to the Canada Company										-	-	-	-	-	-	-	-	-	-	-	-	-	-
										-	-	-	-	-	-	-	-	-	-	-	-	-	-
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RECEIPTS.

FROM the Commissioners of the CANADA COMPANY, being the Balance remaining of the First Instalment of £. 20,000, due to His Majesty's Government on 1st July 1827, after deducting certain Sums therefrom, as directed by the Lords Commissioners of His Majesty's Treasury - - - - - * £. 7,042 14 3										Sterling.		
From - Ditto - being the Instalment due for the Year ending	1 July 1828	-	15,000	-	-					£.	s.	d.
- - - - -	1 July 1829	-	15,000	-	-							
- - - - -	1 July 1830	-	15,000	-	-							
- - - - -	1 July 1831	-	16,000	-	-							
- - - - -	1 July 1832	-	17,000	-	-							
- - - - -	1 July 1833	-	18,000	-	-							
										103,042 14 3		
From the Officers of the Land Granting Department, for Fees received by them in 1827, and paid over to the Receiver-general, on receiving their Commutation in lieu thereof - - - - -										291 9 11 ⁹ / ₁₀		
From sundry Officers, being for their Salaries drawn for and paid in London, as has been subsequently paid to them in Upper Canada out of this Fund, for 1827, together with the Premium received on their Bills - - - - -										1,483 16 1 ⁸ / ₁₀		
Refunded, being so much overcharged on a remittance to England of Mrs. Campbell's Pension -										1 2 5		
Refunded, being so much overpaid on Salary to the Sheriff of the Home District - - - - -										- 8 2 ¹ / ₂		
TOTAL - - - £.										104,819 10 11 ⁴ / ₁₀		

PAYMENTS.

Paid for the Service of the Year	1827	-	-	-	-	-	-	-	£. 16,213 3 8			
- - - - -	1828	-	-	-	-	-	-	-	14,320 4 9 ¹ / ₂			
- - - - -	1829	-	-	-	-	-	-	-	13,934 7 10 ¹ / ₄			
- - - - -	1830	-	-	-	-	-	-	-	12,104 17 5			
- - - - -	1831	-	-	-	-	-	-	-	8,552 2 9 ¹ / ₄			
- - - - -	1832	-	-	-	-	-	-	-	7,554 19 2 ³ / ₄			
										72,679 15 8 ¹ / ₂		
BALANCE on hand, the 30 June 1833 - - - £.										32,139 15 2 ¹ / ₂		

The Accounts of the Territorial Revenue are classed and kept in two divisions; viz. all Warrants marked (K) are charged against that part of the Casual and Territorial Revenue (independent of the Canada Company instalments); and the Warrants marked (D) are charged against the Canada Company instalments.

Thus many salaries and charges, although authorized by His Majesty's Government to be paid out of any funds under the control of His Majesty, have been charged on fund (K), amounting together to 12,674*l.* 13*s.* 3*d.* more than actually received into that fund; and which, together with the sum of 10,487*l.* 10*s.* 4³/₄*d.* expended from funds (D) and (K) since the 30th June, for the service of the last six months, must be deducted from the above balance, leaving the true balance therefore but 8,977*l.* 11*s.* 6*d.* sterling; viz. from balance as above - - - £. 32,139 15 2¹/₂

Deduct Advance in (K) - - - - -	£. 12,674 13 3		
Expenditure for the public service from January to June 1833 from (D) and (K) - - - - -	10,487 10 4 ³ / ₄		
		23,162	3 7 ³ / ₄
		£.	8,977 11 6

* The Balance of 12,957*l.* 5*s.* 9*d.*, above referred to, was applied as follows:—

	£.	s.	d.
Half expense of Commission to Canada, (the other half defrayed by the Company) - - -	4,473	3	-
Expenses arising out of detention of Commissioners after completion of commission - - -	1,907	14	-
Cash paid to Sir G. Willson (Arbitrator) - - - - -	287	8	9
Cash to pay bills on Treasury for sums advanced to defray charge of Civil Establishment of Upper Canada, for 1826 - - - - -	5,425	-	-
Cash to Dr. Strachan for services in settling the terms of the agreement with the Company - - -	324	-	-
Ditto - - ditto to defray expenses connected with the establishment of an University at York, Upper Canada - - - - -	540	-	-
£. 12,957 5 9			

Recciver-General's Office, York, U. C. }
29 August 1833. }

(signed) B. Turquand,
First Clerk.

UPPER CANADA COMPANY.

A R E T U R N

OF

MONIES RECEIVED FROM THE CANADA COMPANY,
AND APPLICATION THEREOF.

(*Mr. Stewart Mackenzie.*)

*Ordered, by The House of Commons, to be Printed,
24 March 1834.*

150.

LOWER CANADA LEGISLATURE.

RETURN to an Address to HIS MAJESTY, dated 6 February 1833;—for,

RETURNS of the NAMES of the MEMBERS of the LEGISLATIVE and EXECUTIVE COUNCILS and HOUSES OF ASSEMBLY of *Upper* and *Lower Canada*, on the 1st July 1832; stating the various Offices, Employments and Public Situations each of them held under the *British* and *Colonial* Governments, Clerical and Lay; with an Account of the Pay, the Salaries, the Allowances, and the Amount of all Fees or other Emoluments received by each for each Office; showing also, whether any, and if so, what Half-Pay, Pension, Superannuated or Retired Allowance each receives, and for what Office or Situation, and the Aggregate Amount received by each in the Year for all such Offices or Employments; and stating the Dates of Appointment to each Office, Employment and Situation, the Authority by which appointed, and the Tenure by which held; also, whether there are any Duties to be performed, and whether the Duties of those Offices are performed wholly in Person or by Deputy or Deputies; and what Pay, Allowance, Fees or Emoluments each of such Deputies receives, and whether paid by the Principal of the Office or by the Government or other Funds, or by Fees, and how much by each; showing also from what Funds, *British* or *Colonial*, any and all of the Pay, Pension, Superannuated or other Allowances and Emoluments are paid:—Also, A RETURN of all GRANTS of LAND or other PUBLIC PROPERTY made at any time by the *British* Government, or by the Governments of *Upper* and *Lower Canada*, to any of the Members of those Councils or Houses of Assembly, or to any of their Children, stating the Date and Extent of each such Grant.

A RETURN of the TITLES of all BILLS of a Public or General character, which, having originated in the Houses of Assembly of *Upper* and *Lower Canada* during any of their Ten last Legislative Sessions, were rejected or declined to be acted upon by the Legislative Councils of those Colonies; or which, having been so sent up, were altered by the Legislative Councils so as to cause their subsequent rejection in the House whence they originated; or which having originated in, and been passed by, the Legislative Council, were afterwards rejected by the Assembly; stating also the TITLES of any BILLS which, having been passed in the Legislative Council and Assembly of either Province, have been refused His Majesty's sanction.

(SO FAR AS RELATES TO LOWER CANADA*.)

Colonial Department, Downing-street, }
4 March 1834.

R. W. HAY.

(Mr. Hume.)

* Similar Returns relative to Upper Canada were presented to The House, and ordered to be Printed 25 June 1833, Paper No. 433.

Ordered, by The House of Commons, to be Printed,
24 March 1834.

LOWER CANADA.

RETURN of the MEMBERS of the EXECUTIVE COUNCIL for the Province of *Lower Canada*,
on the 1st July 1832.

NAMES.	DATE AND MODE of APPOINTMENT.	DESCRIPTION of THE OFFICE, &c.
The Hon. William Smith, esq.	- - Appointed as honorary member, by mandamus, dated 3d Feb. 1817. Full member, by mandamus, dated 4th April 1823. Was appointed clerk of the Legislative Council on the 17th Dec. 1792, and Master in Chancery on the 6th April 1803; both held by commission under the Great Seal of the Province. These offices are severally held during pleasure.	- - His salary as an executive coun- cillor is 100 <i>l.</i> sterling per annum; he holds the situation of clerk of the Legislative Council, with a salary of 450 <i>l.</i> sterling per annum; and the allowance of 135 <i>l.</i> sterling per an- num, granted by the Council; also the office of Master in Chancery, with a salary of 81 <i>l.</i> sterling per annum. The salary assigned to each is payable out of the funds of the Province; and no other fees or emoluments, half-pay, pension, or superannuated or retired allowance, are received by him. The duties of the office of clerk of the Legisla- tive Council are, according to the powers granted by the commission, exercisable by deputy or deputies; but they are performed by the present incumbent in person, with clerks assistant, at stated salaries, viz. the Hon. Charles Etienne Chaussegros Delery, esq. assistant clerk, at a salary of 360 <i>l.</i> sterling per annum, with an allowance from the contingent expenses of 135 <i>l.</i> sterling per annum; Jacques Voyer, esq., clerk of the Journals and Committees of the whole House, at a salary of 225 <i>l.</i> sterling per annum, and an annual allowance of 45 <i>l.</i> sterling, paid out of the contingent expenses, for making a manuscript copy of the Journals; Charles Delery, esq. additional clerk assistant, with an allowance of 180 <i>l.</i> sterling per annum; R. J. M. Sewell, esq. reading clerk, and clerk of private committees, with a salary of 180 <i>l.</i> sterling per annum; Charles W. Smith, writing and engrossing clerk, with a salary of 157 <i>l.</i> 10 <i>s.</i> sterling per annum; and Mr. Aug. Jourdain, writing clerk, with a salary of 112 <i>l.</i> 10 <i>s.</i> sterling per annum. The four last-named gentlemen are paid out of the contingent expenses of the Legislative Council.
The Hon. Charles Etienne Chaussegros Delery, esq.	- - Appointed as an executive coun- cillor by mandamus, dated 15th Janu- ary 1826. He was appointed as- sistant clerk of the Legislative Coun- cil by that House on the 31st January 1793. He holds also the office of Master in Chancery, by commission under the Great Seal of the Province. These offices are severally held during pleasure.	- - His salary as an executive coun- cillor is 100 <i>l.</i> sterling per annum. His salary as assistant clerk of the Legislative Council is 360 <i>l.</i> sterling per annum, paid out of the provin- cial revenues, and voted by the As- sembly since the year 1818, with an annual allowance of 135 <i>l.</i> sterling per annum, paid out of the contin- gencies of the Legislative Council. The duties of the said office are per- formed wholly in person. No salary is attached to the appointment of Master in Chan- cery; the duties of the office are performed wholly in person; and no other fees or emoluments, half-pay, pension, or superannuated allowance, are received by him.
The Hon. John Stewart, esq.	- - Appointed as an executive coun- cillor by mandamus, dated 2d Sept. 1826. He holds also the office of master of the Trinity-house at Que- bec, by commission from the Gover- nor, dated 26th May 1824, renewed 15th December 1830, and the situa- tion of Commissioner for the manage- ment of the Jesuits' estates, by like commission, dated 31st May 1826, renewed 11th December 1830. These offices are severally held during plea- sure.	- - His salary as an executive coun- cillor is 100 <i>l.</i> sterling per annum; his salary as master of the Trinity- house is 225 <i>l.</i> sterling per annum, paid out of the funds of that corpo- ration; his salary as commissioner for the management of the Jesuits' estates is 140 <i>l.</i> sterling per annum, paid out of the revenues of the said estates. The duties of the said offices are all performed by him in person; and no other fees or emoluments, half-pay, pension, or superannuated allowance, are received by him.

LEGISLATIVE COUNCILS OF LOWER CANADA.

3

NAMES.	DATE AND MODE of APPOINTMENT.	DESCRIPTION of THE OFFICE, &c.
The Hon. Andrew William Cochran, esq.	-- Appointed an executive councillor by mandamus, dated 16th May 1829, having previously filled the office of honorary member under mandamus, dated 16th November 1827. He is Auditor-general of Land Patents, in virtue of Letters Patent under the Great Seal of the Province, dated 1st Nov. 1818. He was appointed law clerk of the Legislative Council, by Letters Patent under the Great Seal of the Province, dated 12th January 1819; and Commissioner of the Court of Escheats, under Letters Patent, bearing the Great Seal of the Province, dated 5th July 1828. These offices are severally held during pleasure.	-- His salary as an executive councillor is 100 <i>l.</i> sterling per annum; as Auditor-general of Land Patents he receives a salary of 200 <i>l.</i> sterling per annum, with fees, amounting to about 30 <i>l.</i> sterling per annum; as law clerk to the Legislative Council he receives a salary of 180 <i>l.</i> sterling per annum, paid out of the funds of the Province; and as Commissioner of the Court of Escheats, a salary of 450 <i>l.</i> sterling per annum, payable out of the Land and Timber Fund. No other fees or emoluments, half-pay, pension, or superannuated or retired allowance are received by him. The duties of his office are discharged by him in person.
The Hon. James Stuart, esq.	-- Appointed an honorary member of the Executive Council, by mandamus, dated 16th November 1827. He holds also the office of Attorney-general, in virtue of a commission under the Great Seal of the Province, bearing date the 31st January 1825. These offices are severally held during pleasure. <i>Note.</i> —This gentleman is absent from the Province, under suspension as Attorney-general.	-- As an honorary member he is not entitled to any salary; as Attorney-general, he receives a salary of 300 <i>l.</i> sterling per annum, payable out of the funds of the Province; he is also entitled to fees; no other fees or emoluments, half-pay, pension, or superannuated or retired allowance are received by him.

Certified,

H. W. Ryland.

RETURN of such MEMBERS of the LEGISLATIVE COUNCIL of the Province of *Lower Canada*, holding OFFICES of PROFIT in the Colony on the 1st of July 1832.

NAMES.	DATE AND MODE of APPOINTMENT.	DESCRIPTION of THE OFFICE, &c.
The Hon. Jonathan Sewell.	-- Appointed Chief Justice of the Province of Lower Canada, and Speaker of the Legislative Council, in August 1808, by Letters Patent under the Great Seal of the Province, issued by his Excellency Sir James Craig, in obedience to the King's mandamus. These offices are severally held during pleasure.	-- His salary as Chief Justice is 1,500 <i>l.</i> sterling per annum, with an allowance of 25 <i>l.</i> for each circuit. His salary as Speaker of the Legislative Council is 900 <i>l.</i> sterling per annum. The salary for each payable out of the funds of the colony. No other emoluments, nor half-pay, pension or superannuated or retired allowance are received. The duties are performed wholly in person.
The Hon. and Right Rev. Chas. James Stewart, D. D., Bishop of Quebec.	-- Consecrated on the 1st day of January 1826.	-- His salary as Bishop is 2,600 <i>l.</i> per annum, with an allowance of 400 <i>l.</i> per annum for a house, payable out of the British funds. No half-pay, pension or superannuated or retired allowance are received. Duties performed in person.
The Hon. John Hale	-- Appointed Receiver-general of Lower Canada by commission from the Earl of Dalhousie, Governor-in-Chief, dated 25th Nov. 1823, and by the King's Patent, by writ of Privy Seal, bearing date 4th June 1829; held during pleasure.	-- His salary as Receiver-general is 1,000 <i>l.</i> per annum, payable out of the funds of the colony. Duties performed wholly in person. A retired allowance of 20 <i>s.</i> per day as Deputy Paymaster-general of His Majesty's forces, payable out of the British funds. No other emoluments, fees, half-pay, pension, or superannuated or retired allowance are received.

RETURNS RELATING TO THE

NAMES.	DATE AND MODE of APPOINTMENT.	DESCRIPTION of THE OFFICE, &c.
The Hon Charles de St. Ours.	- - Captain in His Majesty's army, on half-pay.	- - Holds no civil office with salary, fee or other allowance whatsoever.
The Hon. Herman Witsius Ryland.	- - Appointed Clerk of the Executive Council of Lower Canada under Letters Patent, dated 1st July 1796, issued by Lord Dorchester, then Governor-in-chief.	- - His salary as Clerk of the Execu- tive Council is 500 <i>l.</i> sterling per annum, and an allowance for sta- tionery and printing of 50 <i>l.</i> sterling per annum, payable out of the funds of the colony. His fees of office as Clerk of the Executive Council is 157 <i>l.</i> per annum, paid by individuals. Duties performed in person.
Resigned this office subsequently to 1st July 1832.	- - Appointed Clerk of the Crown in Chancery on the 1st Jan. 1802. These offices are held severally dur- ing pleasure.	- - His salary as Clerk of the Crown in Chancery is 100 <i>l.</i> sterling per annum, payable out of the funds of the colony. A pension of 300 <i>l.</i> ster- ling per annum, granted to him by the Crown in reward of his public services prior to the year 1804, payable out of the funds of the colony. No other half- pay, pension, fees, emoluments, superannuated or retired allowance are received.
The Hon. Lewis Gagy	- - Appointed Sheriff of the District of Montreal, by commission, during pleasure, dated 3d March 1827.	- - His salary as Sheriff of the District of Montreal is 105 <i>l.</i> per annum, an allowance of 27 <i>l.</i> per annum to main- tain a public executioner, and 16 cords of wood for office. His emolu- ments fluctuate between 1,000 <i>l.</i> and 1,500 <i>l.</i> per annum, being derived from fees or ser- vices performed, paid by individuals. The duties are performed by sheriff or his officers. His salary and allowances are paid out of the funds of the colony. No half-pay, pension, superannuated or retired allowance, or other fees or emoluments, are received.
The Honble. John Stewart.	- - Appointed to the Executive Coun- cil by mandamus, dated 2d Sept. 1826. Appointed Commissioner for the Management of the Jesuits' Estates by commission, dated 31st May 1826. Appointed Master of the Trinity House at Quebec, by commission, dated 26th May 1824. These offices are held severally during pleasure.	- - His salary as Executive Coun- cillor is 100 <i>l.</i> sterling per annum. - - His salary as Commisioner for the Management of the Jesuists' Estates is 180 <i>l.</i> sterling per annum. - - His salary as Master of the Cor- poration of the Trinity House is 225 <i>l.</i> sterling per annum; the whole pay- able out of the funds of the colony. Duties performed in person. No fees, emoluments, half-pay, pension, super- annuated or retired allowance are received.
The Hon. James Kerr,	- - Appointed Judge of the Court of King's Bench at Quebec during pleasure, by Letters Patent under the Great Seal of the Province, in October 1807. Appointed Judge of the Court of Vice-Admiralty at Quebec, by Let- ters Patent under the Great Seal of the High Court of Admiralty, on the 19th August 1797.	- - His salary as Judge of the Court of King's Bench at Quebec is 900 <i>l.</i> sterling per annum. An allowance of 37 <i>l.</i> 10 <i>s.</i> for circuit expenses, pay- able out of the funds of the colony. Duties performed wholly in person. - - His salary as Judge of the Court of Vice-Admiralty is 200 <i>l.</i> per annum, payable out of the funds of the co- lony. The duties are performed in person. No other emoluments, fees, half-pay, pension, superannuated or retired allowance are received.
The Hon. Edward Bowen.	- - Appointed Judge of the Court of King's Bench for the District of Quebec, by Letters Patent under the Great Seal of the Province of Lower Canada, on the 23d day of May 1812. The office is held during pleasure.	- - His salary as Judge of the Court of King's Bench is 900 <i>l.</i> sterling per annum. An allowance of 25 <i>l.</i> for circuits, payable out of the funds of the colony. The duties are performed wholly in person. No fees, emolu- ments, half-pay, pension, superan- nuated or retired allowance are re- ceived.

LEGISLATIVE COUNCILS OF LOWER CANADA.

5

NAMES.	DATE AND MODE of APPOINTMENT.	DESCRIPTION of THE OFFICE, &c.
The Hon. William B. Felton.	- - Appointed Commissioner for the Sale and Management of Crown Lands, by warrants under the Sign Manual, dated the 13th Nov. 1826. Ordered to execute the duties of Surveyor general of Woods and Forests, by Sir George Murray's despatch, from 10th July 1830.	- - Salary dependant on the collection of money for sales, being for the united duties 600 <i>l.</i> per annum, and an allowance of five per cent. on the net sum collected, up to an additional 600 <i>l.</i> Duties performed in person. No fees nor any other allowances, nor pension, half-pay or superannuated or retired allowance are received.

(Certified.)

Wm. Smith,
Clerk of the Legislative Council of Lower Canada.

RETURN of the MEMBERS of the HOUSE OF ASSEMBLY of the Province of *Lower Canada* holding OFFICES of PROFIT in the Colony on the 1st of July 1832.

NAMES.	DATE AND MODE of APPOINTMENT.	DESCRIPTION of THE OFFICE, &c.
The Hon. Louis J. Papineau.	- - - - -	- - Speaker. Salary 900 <i>l.</i> sterling; voted annually by the Provincial Legislature.
Amiot, Pierre. Archambeault, Chas. Badeaux, Joseph -	18th February 1833 - - - -	- - King's Notary for the district of Three Rivers. No salary attached to the situation; is entitled to a fee of 7 <i>s.</i> 6 <i>d.</i> , payable by individuals for each <i>acte</i> of a grant of land in the Seigniorie belonging to the Jesuits' Estates, but which has not yet produced 20 <i>l.</i> per annum.
Baker, Stevens. Baxter, James. Bedard, Isidore. Berthelet, Olivier. Bertrand, Louis. Blanchard, Louis R. Boissonnault, Nicolas. Bourdages, Louis. Bourdages, Rémi S. Bureau, Pierre. Caldwell, Henry J. Casgrain, Charles E. Cazeau, Jean B ^{te} . Clouet, Michel. Courteau, Charles. Cuvillier, Austin. Déligny, Jacques. Demers, Alexis. De Rouville, René H. De St. Ours, Roch. Deschamps, A. Eno. De Witt, Jacob. Dionne, Amable. Dorion, Jacques. Dorion, Pierre A. Dumoulin, Pierre B. Duval, John F. Fortin, Jean B ^{te} . Gironard, Jean J. Goodhue, Chas. F. H. Gossett, John. Guillet, Valère. Gugy, B. C. A. -	- - By Commission, dated 25th March 1812. - - By Commission, dated 22d July 1830. Since 9th August 1826 - - -	- - Reduced Lieutenant of the Canadian Fencible Regiment, with an allowance of about 80 <i>l.</i> sterling p' ann. - - Half-pay Major under the British Government. - - Provincial Aide-de-Camp to the Governor-in-Chief; 179 <i>l.</i> 15 <i>s.</i> 6 <i>d.</i> sterling per annum from the Colonial Government without any other allowance. Duty performed in person. Colonel Heriot vacated his seat as a Member of the Assembly in February last.
Heriot, C. B., Col. F. G.	- - By Commission, dated 22d July 1830. Since 9th August 1826 - - -	- - Half-pay Major under the British Government. - - Provincial Aide-de-Camp to the Governor-in-Chief; 179 <i>l.</i> 15 <i>s.</i> 6 <i>d.</i> sterling per annum from the Colonial Government without any other allowance. Duty performed in person. Colonel Heriot vacated his seat as a Member of the Assembly in February last.
Hoyle, Robert. Huot, Hector S. Knowlton, Paul H. Lafontaine, Louis H. Languedoc, François.		

(continued)

6 RETURNS RELATING TO THE

NAMES.	DATE AND MODE of APPOINTMENT.	DESCRIPTION of THE OFFICE, &c.
Lee, Thomas. Larue, François X. Laterrière, M. P. de Sales. Leslie, James. Létourneau, Jean C. Masson, Paul T. Méthot, Louis. Mondelet, Dominique. Morin, Augustin N. Mousseau, Alexis. Neilson, John. Noël, Jean B. J. Ogden, Charles R. -	- - - - -	- - Solicitor-general. Vacated his seat during the last session.
Peck, Ebenezer. Proulx, Jean B ^{te} . Quesnel, Frederic A.	By Lord Aylmer, on 5th April 1831	- - King's Counsel. Is entitled to fees on being consulted; does not know how much, or out of what funds payable, having never demanded or received any for services rendered since his appointment.
Quirouet, François. Raymond, Jean M. Revard, Alexis. Rochon, Jean. Scott, William H. Stuart, Andrew. Taschereau, Antoine C.	- - By Earl Dalhousie, by commission under his hand and seal, dated 28th June 1821. By Earl Dalhousie, by commission under the Great Seal of the Province, dated 7th May 1822.	- - Preventive Officer at S ^{te} Mary's, Nouvelle Beauce. Duties performed by principal; has received no salary or fees during the year ending the 10th October 1832. - - Collector at S ^{te} Mary's, Nouvelle Beauce. Duties performed by principal; is entitled to receive 50 per cent. on the amount of duties collected until the same amounts to 100 <i>l.</i> currency; has received 15 <i>l.</i> 15 <i>s.</i> 2 <i>d.</i> currency during the year ending 10th October 1832; is also entitled to fees under the Provincial Act 59 Geo. 3, c. 4, s. 12, and has received 61 <i>l.</i> 14 <i>s.</i> 6 <i>d.</i> currency in fees during the year ending the 10th October 1832.
Taschereau, Pierre E. Taylor, Ralph. Thibaudeau, Edouard. Trudel, Olivier. Turgeon, Charles. Valois, Joseph. Viger, Louis M. Wright, Philemon. Wurtele, Jonathan. Young, Thomas A. -	- - Recommended by his Excellency the Earl of Dalhousie in his despatch to Earl Bathurst of the 5th November 1825; approved by the Right hon. the Lords Commissioners of His Majesty's Treasury and the Secretary of State, as appears by Earl Bathurst's despatch of the 14th March 1826; and finally appointed by Commission under the Great Seal on the 3d July 1826.	- - Auditor-general of Public Accounts. 400 <i>l.</i> sterling per annum when paid. 100 <i>l.</i> sterling per annum for a clerk, and all contingencies when paid; has received no salary for the last four years. The duties performed in person. By his Commission he is "empowered and authorized to examine, state and audit all and every the accounts of the rents, revenues, fines, escheats, forfeitures, duties, profits, and sums of money whatsoever," which may become due or accrue to
His Majesty within the Province; and also all accounts of and concerning the administration of justice and the civil government; and he is required to "report thereon to the Governor, Lieutenant-governor, or person administering the government." By special instructions given under the hand and seal of the Governor, he is to report to the Executive Council, and on such accounts only as the Inspector general may examine and forward to his office.		

The Members of the Assembly have, for the three last Sessions, been allowed, by grants of the Legislature, an indemnity of 10*s.* currency per diem, and 4*s.* currency per league from their places of residence to the place where the sittings of the Legislature are held.

Clerk's Office, House of Assembly, }
Quebec, 29th June 1833.

Wm. B. Lindsay,
Cik. Assy.

RETURN of all GRANTS of LAND, and other PUBLIC PROPERTY, made to the MEMBERS of the EXECUTIVE COUNCIL of *Lower Canada*, and to their Children, to the 1st July 1832.

NAMES OF COUNCILLORS AND CHILDREN.	Quantity of Land Granted.	Date of the Grant.
The Hon. William Smith, esq. - - - - -	1,300 acres	23 Dec. 1819
Ditto - - - - -	300 —	31 May 1824
The Hon. and Right Rev. Charles James Lord Bishop of Quebec - - - - -	2,000 —	18 Dec. 1826
The Hon. John Stewart, esq. - - - - -	1,200 —	2 Mar. 1831

(Certified.) *D. Daly,*
Secretary of the Province of Lower Canada.

RETURN of all GRANTS of LAND, and other PUBLIC PROPERTY, made to the MEMBERS of the LEGISLATIVE COUNCIL of *Lower Canada*, and to their Children, to 1st July 1832.

NAMES OF COUNCILLORS AND CHILDREN.	Quantity of Land Granted.	Date of the Grant.
Hon. John Forsyth, esq. - - - - -	625 acres	6 Mar. 1805
Hon. John Caldwell, esq. - - - - -	1,200 —	3 April 1805
Hon. William Bowman Felton, esq. - - - - -	600 —	29 Sept. 1816
Ditto - - - - -	2,941 —	1 July 1818
Ditto - - - - -	5,200 —	31 May 1824
Ditto - - - - -	5,000 —	2 Mar. 1831
Ditto - - - - -	400 —	24 May 1831
Children of ditto:		
William Locker Pickmore Felton - - - - -	1,000 —	ditto
Eliza Felton - - - - -	1,200 —	ditto
Charlotte Felton - - - - -	1,200 —	ditto
Fanny Felton - - - - -	1,200 —	ditto
Maria Felton - - - - -	1,200 —	ditto
Matilda Felton - - - - -	1,200 —	ditto
Louisa Felton - - - - -	1,200 —	ditto
Octavia Felton - - - - -	1,200 —	ditto
The Hon. Matthew Bell, esq. - - - - -	water lot, containing 11,900 feet.	31 May 1824
Ditto - - - - -	water lot, containing 8,125 feet.	ditto
Ditto - - - - -	water lot, containing 8,125 feet.	16 June 1831
Hon. James Cuthbert, esq. - - - - -	1,316 acres	25 June 1828
Hon. Jonathan Sewell, esq. - - - - -	4,400 —	27 Sept. 1828
Hon. Herman W. Ryland, esq. - - - - -	2,104 —	30 May 1831
Hon. Lewis Gagy, esq. - - - - -	1,200 —	23 July 1831
B. C. A. Gagy, esq., son of ditto - - - - -	500 —	14 June 1823
Mark Pascal Sales Laternière - - - - -	800 —	25 June 1828

(Certified.) *D. Daly,*
Secretary of the Province of Lower Canada.

RETURN of all GRANTS of LAND, and other PUBLIC PROPERTY, made to the MEMBERS of the HOUSE of ASSEMBLY of *Lower Canada*, and to their Children, to 1st July 1832.

NAMES OF MEMBERS OF THE HOUSE OF ASSEMBLY and Children.	Quantity of Land Granted.	Date of the Grant.
Anthony Anderson, esq. - - - - -	water lot, containing 1,736 feet.	12 May 1806
Lieut.-col. F. G. Heriot - - - - -	628 acres	20 Feb. 1816
Ditto - - - - -	200 —	15 April 1816
Ditto - - - - -	3,200 —	10 Aug. 1830
Louis Bourdages, esq. - - - - -	1,200 —	27 Feb. 1819
Philemon Wright, esq. - - - - -	1,400 —	4 Mar. 1824
Ditto - - - - -	823 —	21 Sept. 1827
Children of ditto :		
Christopher C. Wright - - - - -	1,200 —	ditto
Benjamin H. Wright - - - - -	200 —	ditto
Francis Languedoc, esq. - - - - -	9,000 —	30 June 1827

(Certified.) *D. Daly,*
Secretary of the Province of Lower Canada.

— No. 1. —

RETURN of the TITLES of all BILLS of a Public or General Character which, having originated with the Assembly of Lower Canada, during any of their Ten last Legislative Sessions, were rejected or declined to be acted upon by the Legislative Council of that Province.

Session of 1822.

- An Act to authorize the Chairman and Trustees of the Common of the Town of Three Rivers further to concede or grant lots or emplacements of ground on the said Common, to a limited extent.
- An Act to authorize an Enumeration and Return of the Population of the Province of Lower Canada.
- An Act for the Encouragement and Promotion of Education in the Country Parishes of this Province.
- An Act to grant a certain sum of Money to the *Abénaquis* Indians residing at St. François, in the County of Buckinghamshire, to assist them in building a Church.
- An Act to appropriate a certain sum of Money therein mentioned, for the encouragement of Education in the District of Quebec.
- An Act for the encouragement and relief of certain Persons therein named, and others, and authorizing them to associate themselves under the name of the “ Quebec Friendly Society,” under certain Restrictions, Rules and Regulations therein mentioned.
- An Act to authorize the further appointment of Persons in the several Districts of this Province, for regulating, adjusting, stamping and marking Beams, Weights and Measures.
- An Act to confirm certain Inhabitants of the Township of Sherrington in the possession and enjoyment of their lands.

Session of 1823.

- An Act for the encouragement and promotion of Education in the Country Parishes of this Province.
- An Act to authorize an Enumeration of the Population of the Province of Lower Canada.
- An Act to incorporate the City of Quebec for the purposes therein mentioned.
- An Act to incorporate the City of Montreal for the purposes therein mentioned.
- An Act to make more ample Provisions concerning Highways, Roads and Bridges, in the Townships of this Province.
- An Act to repeal an Ordinance therein mentioned, and to provide more ample Regulations concerning Land Surveyors and the Admeasurement of Lands.
- An Act to repeal certain parts of an Ordinance passed in the 25th year of his late Majesty’s reign, intituled, “ An Ordinance concerning Advocates, Solicitors and Notaries, and for the more easy collection of His Majesty’s Revenues.”
- An Act to reimburse and indemnify His Majesty for certain sums of Money expended to defray the Expenses of the Civil Government of the Province, for the year 1819.

An

An Act to reimburse and indemnify His Majesty for certain sums of Money expended to defray the Expenses of the Civil Government of the Province, for the year 1820.

An Act to reimburse and indemnify His Majesty for certain sums of Money expended to defray the Expenses of the Civil Government of the Province, for the year 1821.

An Act to reimburse and indemnify His Majesty for certain sums of Money expended to defray the Expenses of the Civil Government of the Province, for the year 1822.

An Act to appropriate a certain sum of Money therein mentioned towards the Support of the Montreal General Hospital, and to enable the Religious Ladies *Hopitalières* of the *Hotel Dieu* of Quebec to complete the new Apartments and Dependencies recently erected for the use of the Sick.

An Act to augment the Number of Representatives to serve hereafter in the Assembly of this Province.

An Act to authorize the Governor, Lieutenant-governor, or Person administering the Government of the Province, to restore Goods and Vessels seized to the Proprietor or Proprietors, on the terms and conditions therein mentioned.

Session of 1823 and 1824.

An Act to authorize an Enumeration and Returns of the Population of the Province of Lower Canada.

An Act to incorporate the City of Quebec, for the purposes therein mentioned.

An Act to incorporate the City of Montreal, for the purposes therein mentioned.

An Act to extend the Provisions of a certain Act therein mentioned, with respect to Purchasers of Real Property sold at Sheriff's Sales in this Province.

An Act for the Relief of the Subject, in more effectually enforcing the Royal Instructions of his late most gracious Majesty, relating to the Expense and Fees to be allowed upon Grants of the Waste Lands of the Crown in this Province, and to punish Persons offending against the said Royal Instructions.

An Act to regulate the exercise of the Rights, and to facilitate the recovery of Rents appertaining to Proprietors and Lessors against their Tenants and Lessees, and for other purposes therein mentioned.

An Act to regulate and grant, for a limited time, certain Fees to the Clerks of the Markets of the Cities of Quebec and Montreal, and in the Town of Three Rivers.

An Act to enforce the ancient Laws of this Province, compelling Seigniors to concede their Lands, subject only to Rents and Services, and to facilitate the reunion of Lands *en roture* to the Domain, in cases where, by law, the same may be demanded.

An Act to repeal certain parts of an Ordinance passed in the 25th year of his late Majesty's reign, intituled, "An Ordinance concerning Advocates, Solicitors and Notaries; and for the more easy collection of His Majesty's Revenue."

An Act to remove all doubts with respect to the Benefit of the Cession of Property (*Cession de Biens*), to which Debtors are entitled in certain cases therein mentioned.

An Act to apply and appropriate a certain sum of Money therein mentioned, to enable His Majesty to defray the Expenses of the Civil Government of this Province, for the year 1824.

An Act to augment the Number of Representatives to serve in the Assembly of this Province; and for that purpose to increase and make a new and general Subdivision of the Province into Counties.

Session of 1825.

An Act to regulate the Exercise of the Rights appertaining to Proprietors and Lessors against their Tenants and Lessees, and to facilitate the recovery of Rents, and for other purposes therein mentioned.

An Act to remove all doubts with respect to the Benefit of the Cession of Property (*Cession de Biens*), to which Debtors are entitled in certain cases therein mentioned.

An Act to incorporate the City of Montreal, for the purposes therein mentioned.

An Act to incorporate the City of Quebec, for the purposes therein mentioned.

An Act for the Qualification of Justices of the Peace.

An Act for facilitating a Legal Remedy to such as have Claims and Demands on His Majesty's Provincial Government.

An Act to facilitate the Execution of Laws concerning the Concession of Lands in the Seigniories.

An Act for appointing an Agent in the United Kingdom of Great Britain and Ireland.

An Act to make a new and more convenient Division of the Province into Counties, for the purpose of effecting a more equal Representation thereof in the Assembly than heretofore.

An Act to facilitate the Administration of Justice throughout the Province.

An Act to extend the Provisions of a certain Act therein mentioned, with respect to Purchasers of Real Property sold at Sheriff's Sales in this Province.

An Act to authorize Counsel to address Juries on the behalf of Prisoners in all cases of Felony.

Session of 1826.

An Act to regulate and grant, for a limited time, certain Fees to the Clerks of the Markets in the Cities of Quebec and Montreal, and in the Town of Three Rivers.

An Act for the Relief of certain Protestants therein mentioned.

An Act for the Qualification of the Justices of the Peace.

An Act for facilitating a Legal Remedy to such as have Claims and Demands on His Majesty's Provincial Government.

An Act to afford Relief to the Religious Congregation at Montreal therein named.

An Act for vacating the Seats of Members of the Assembly in certain cases therein mentioned.

An Act for granting to Persons accused of Felony the benefit of Counsel in their Defence.

An Act to facilitate the Administration of Justice throughout the Province.

An Act to extend the Provisions of certain Acts therein mentioned, with respect to Purchasers of Real Property sold at Sheriff's Sales in this Province.

An Act to regulate the Exercise of the Rights appertaining to Proprietors and Lessors against their Tenants and Lessees, and for other purposes therein mentioned.

An Act to make a new and more convenient Division of the Province into Counties, for the purpose of effecting a more equal Representation thereof in the Assembly than heretofore.

An Act to establish an additional Superior Term of the Court of King's Bench for Civil Causes at Montreal, for a limited time, and more effectually to expedite the Administration of Justice thereat.

An Act to facilitate the Execution of the Laws concerning the Concession of Lands in the Seigniories.

An Act to make certain Regulations respecting the Office of Sheriff.

An Act for appointing certain Commissioners to inspect the Books of the Receiver-general, and to settle and adjust the Public Accounts, and for other purposes.

An Act to secure the Independence of the Judges in this Province, and for other purposes therein mentioned.

An Act to provide for the Erection of a Common Gaol in the District of Montreal.

An Act to amend the Ordinance passed in the 25th year of the reign of his Majesty George the Third, chapter the 4th, as far as the same relates to the Minutes, Acts, Books and Papers of deceased Notaries.

An Act to repeal certain parts of the Ordinance passed in the 25th year of the reign of his Majesty King George the Third, therein mentioned, and to amend the said Ordinance in what concerns Admission to the Practice of the Law.

Session of 1827. Nil.

Session of 1828 and 1829.

An Act for vacating the Seats of Members of the Assembly accepting Offices of Profits, and becoming accountable for Public Money.

An Act for granting the benefit of Counsel to Prisoners on Trial for Felony.

An Act for preserving, for the purposes of Husbandry, the Grass growing on Beaches.

An Act to provide for the Erection of a Common Gaol in the District of Montreal.

An Act to amend an Act passed in the 34th year of the reign of his late Majesty George the Third, intituled, "An Act for the division of the Province of Lower Canada, for amending the Judicature thereof, and for repealing certain Laws therein mentioned," inasmuch as the same relates to the Courts of Criminal Jurisdiction.

An Act for the Qualification of the Justices of the Peace.

An Act for the Relief of certain Religious Congregations therein mentioned.

An Act to amend an Act passed in the 34th year of the reign of his late Majesty, intituled, "An Act for the division of the Province of Lower Canada, for amending the Judicature thereof, and for repealing certain Laws therein mentioned," in so far as regards the rank, power and authority of the Provincial Judge for the district of Three Rivers.

An Act to afford Relief to a certain Religious Congregation at Montreal, denominated Presbyterians.

An Act to afford Relief to a certain Religious Congregation at Quebec, denominated Presbyterians.

An Act to incorporate the City of Montreal.

An Act for disqualifying the Judges from sitting or voting in the Legislative Council and Executive Council.

An Act for the appointment of Agents in the United Kingdom of Great Britain and Ireland.

An Act to appropriate a certain sum of Money to pay the Pensions of Militia-men, wounded during the late War with the United States of America, for the present year 1829.

An Act to provide for the Erection of a Marine Hospital in or near Quebec.

An Act to extend certain provisions of a certain Act therein mentioned, with respect to purchasers of Real Property at Sheriff's Sales in this Province,

Session of 1830.

An Act for disqualifying the Judges from sitting or voting in the Legislative Council and Executive Council.

An Act to authorize Counsel to address Juries in the behalf of Prisoners in Capital Cases.

An Act to incorporate the City of Montreal.

An

An Act to afford Relief to a certain Religious Congregation at Montreal, denomina'ed Presbyterians.

An Act to indemnify the Members of the Assembly for expenses incurred by them in attending the Sessions of the Legislature.

An Act for preserving for the purposes of Husbandry the Grass growing on the Beaches in the District of Quebec.

An Act to incorporate the City of Quebec.

An Act to reduce the Duties on Tobacco imported into the Province, by land or by inland navigation.

An Act to extend the provisions of a certain Act therein mentioned, with respect to Purchasers of Real Property at Sheriff's Sales, in this Province.

An Act to regulate the Qualification and Summoning of Jurors in Civil and Criminal Matters.

An Act to appropriate a certain sum of Money for the enlargement and improvement of the Building in which the Sessions of the Legislature are now held; and to provide the means of acquiring for the public uses of the Province the property of the Bishop's Palace at Quebec, and of the Ground whereon it is erected.

An Act to authorize the building of Court Houses and Gaols in the Counties of this Province, and for other purposes therein mentioned.

An Act to compel Pilots hereafter to qualify themselves to pilot vessels through the several channels of the River St. Lawrence, below Quebec.

An Act to repeal an ordinance therein mentioned, and to provide more ample regulations respecting Land-surveyors, and the admeasurement of Lands.

An Act to provide for the establishment of a Market in the St. Rock Suburbs of the City of Quebec.

An Act to regulate and grant for a limited time certain Fees to the Clerks of the Markets in the Cities of Quebec and Montreal, and in the Town of Three Rivers.

Session of 1831.

An Act to incapacitate the Judges in this Province from sitting and voting in the Executive and Legislative Councils, to secure the Independence of the Judges in this Province, and for other purposes therein mentioned.

An Act to make an Allowance to the Members of the Assembly for their expenses, occasioned by their attendance at the Sessions of the Legislature.

An Act to authorize Counsel to address Juries on behalf of Prisoners in Capital Cases.

An Act to provide for the proof of the solemnization of certain Marriages, Baptisms and Burials in the Inferior District of *Gaspé*.

An Act to ascertain the Toll to be taken for grinding of Grain, and for drying Oats.

An Act to regulate the Qualification and Summoning of Jurors in Civil and Criminal matters.

An Act declaratory of the ancient Laws of this Province, concerning the service of process in the cases therein mentioned.

An Act to authorize the appointing of Courts of Inquiry, for investigating the qualification of Militia Officers, in certain cases.

An Act to incorporate certain persons therein named, under the name of the *Montreal City Bank*.

An Act to provide for the reprinting of certain parts of the Provincial Statutes now in force.

An Act to repeal the Acts providing for the summary Trial of small Causes in the country parts, and to make other provision for such Trial.

Session of 1832.

An Act to authorize Counsel to address Juries in the behalf of Prisoners in Capital Cases.

An Act declaratory of a certain part of an Ordinance of the Governor and Legislative Council of the Province of Quebec, relative to Writs of *Capias* or attachment.

An Act to re-establish uniformity with regard to the Meetings of *Fabriques* in this Province, and to declare who are the Persons entitled to take part therein in certain cases.

An Act for the appointing an Agent in the United Kingdom of Great Britain and Ireland.

An Act for the Relief of Persons holding of His Majesty *en roture* immoveable Property in the Suburbs of Quebec, upon which *Lods et Centes*, or mutation Fines are due.

An Act to facilitate the issuing of Writs of *Saisie Gagerie*, *Saisie Revendication* and *Saisie Arrêt*, after Judgment, and to provide for the summoning of Absentees.

An Act to repeal so much of two certain Acts therein mentioned, made and passed in the Parliament of the United Kingdom of Great Britain and Ireland, as authorizes the commutation of the Tenure of Lands held *à titre de Fief* and *à titre de Cens* in this Province, into the Tenure of Free and Common Socage.

An Act to establish a Fund for the relief of sick and destitute Emigrants.

An Act to amend the Judicature of the Province, and to extend and facilitate the Administration of Justice in the different parts thereof.

An Act to repeal the Acts providing for the summary Trial of small Causes in the country parts, and to make provision for such Trial.

An Act to repeal certain Duties imposed on Molasses and Coffee, and to diminish the Rates of certain Duties on Tobacco imported into this Province by land or inland navigation.

An Act to extend the provisions of a certain Act therein mentioned, with respect to the Purchases of Real Property at Sheriff's Sales in this Province.

An Act to prevent Debtors from wasting or diminishing the value of their immoveable Property under seizure, to the injury of their Creditors.

An Act to make the Salaries and Emoluments of Public Officers liable to attachment at the suit of the Creditors of such Officers.

Wm. Smith,
Clerk of the Legislative Council of the Province of
Lower Canada.

— No. 2. —

RETURN of the TITLES of all BILLS of a Public or General Character, which having been sent up by the Assembly of Lower Canada during any of their Ten last Legislative Sessions, were altered by the Legislative Council so as to cause their subsequent rejection in the House whence they originated.

Session of 1822. Nil.

Session of 1823.

An Act to appropriate a certain sum of Money therein mentioned, for reprinting certain Laws in force in this Province.

An Act to confirm the Tenants of the Seigniori of La Salle, possessors of Lands in the Township of Sherrington, in the possession and enjoyment of their Lands, and to enable His Majesty to regulate the Differences existing between them and the Grantees of the Crown in the said Township, and for other purposes therein mentioned.

Session of 1823 and 1824.

An Act for the Encouragement and Relief of certain Persons, and authorizing them to associate themselves under the name of "The Quebec Friendly Society."

An Act more effectually to punish certain Offences therein mentioned, and to abolish the Punishment of exposure in the Pillory, or by Stripes, as heretofore in certain cases by Law authorized.

An Act to repeal a certain Act or Ordinance therein mentioned, and to provide more effectual Regulations concerning the practice of Physic, Surgery and Pharmacy, and the obstetric Art in this Province.

An Act to enable the Notaries in this Province to suppress and correct Abuses in their Profession, and to maintain the respectability of the same.

An Act to afford greater facility than heretofore to the Freeholders in the County of Leinster, in electing Members to represent them in the Assembly of this Province.

Session of 1825.

An Act to regulate and grant for a limited time certain Fees to the Clerks of the Markets in the Cities of Quebec and Montreal, and in the town of Three Rivers.

An Act to grant certain Privileges to the Protestants denominated "Wesleyan Methodists."

An Act for the Encouragement and Relief of certain Persons, and authorizing them to associate themselves by the name of "The Quebec Friendly Society."

An Act to repeal a certain Act or Ordinance therein mentioned, and to provide effectual Regulations concerning the practice of Physic, Surgery and Midwifery in this Province.

An Act to appropriate certain sums of Money therein mentioned, for the relief of Insane, Infirm and Sick Persons, and for the Support of Foundlings, and for other purposes.

Session of 1826.

An Act to remove all doubts with respect to the benefit of the Cession of Property (*Cession de Biens*), in certain cases therein mentioned.

An Act to extend to the Inferior District of Gaspé certain provisions respecting Apprentices and Servants (*Engagés*) in an Act of the 57th year of the reign of his late Majesty George the Third, intituled, "An Act more effectually to provide for the Regulation of the Police in the Cities of Quebec and Montreal and Town of Three Rivers, and for other purposes therein mentioned."

An Act to suspend for a limited time certain Ordinances therein mentioned, as far as the same relates to the City of Montreal, and to establish a Society therein for preventing Accidents by Fire.

An Act for the Encouragement and Relief of certain Persons therein named, and others, and authorising them to associate themselves by the name of "The Quebec Friendly Society," under certain restrictions, rules and regulations therein mentioned.

LEGISLATIVE COUNCILS OF LOWER CANADA.

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An Act to suspend the operation of a certain Act or Ordinance therein mentioned, and to provide effectual Regulations concerning the practice of Physic, Surgery and Midwifery in this Province.

An Act to amend and continue for a limited time two certain Acts therein mentioned relating to persons keeping Houses of Public Entertainment, and for other purposes.

An Act to continue for a further limited time and amend three certain Acts therein mentioned, relating to the Trade with the United States of America.

An Act to make further and more ample provision for defraying the expenses of the Administration of Justice, and of the Support of the Civil Government.

Session of 1827. Nil.

Session of 1828 and 1829.

An Act to establish a Toll or Turnpike for improving and repairing the Road from the City of Montreal to Lachine.

An Act to revive an Act passed in the 4th year of his Majesty's reign, intituled, "An Act to repeal an Ordinance therein mentioned, and to provide more ample regulations respecting Surveyors and the admeasurement of Lands, and to repeal the said Ordinance."

An Act for incorporating the Quebec Friendly Society.

An Act to compel Pilots to qualify themselves for piloting Vessels through the north Channels.

An Act to repeal a certain Law therein mentioned, and for the better regulation of inspecting and packing of Flour.

An Act to regulate the curing, packing, and inspection of Beef and Pork.

An Act to revive and continue for a limited time and amend certain Acts therein mentioned relating to the Militia of this Province.

An Act to appropriate a sum of Money for the payment of certain Militia Officers for the year 1829.

Session of 1830.

An Act for the appointing of Agents in the United Kingdom of Great Britain and Ireland.

An Act to secure the Independence of the Judges in this Province, and for other purposes therein mentioned.

An Act to repeal a certain Act therein mentioned, and to provide effectual Regulations concerning the practice of Physic, Surgery and Midwifery.

An Act to amend certain Acts therein mentioned, respecting the summary Trial of certain small Causes.

An Act to expedite the proceedings on Sheriff's returns.

An Act to amend a certain part of the Ordinance of 1667.

An Act to amend an Act passed in the 9th year of his Majesty's reign, intituled, "An Act to make a new and more convenient Subdivision of the Province into Counties, for the purpose of effecting a more equal representation thereof in the Assembly than heretofore," in as far as the said Act relates to the Boundaries of certain Counties and the Places of Elections.

An Act for ascertaining the Population of the several Counties of this Province, and for obtaining certain statistical information therein mentioned.

Session of 1831.

An Act for the appointing of an Agent in the United Kingdom of Great Britain and Ireland.

An Act to suspend an Ordinance therein mentioned, and to provide more ample regulations respecting Land Surveyors, and the admeasurement of Lands.

An Act to provide for the inspection of Sole Leather.

Session of 1831 and 1832.

An Act to make an Allowance to the Members of the Assembly for the expenses occasioned by their Attendance at the Sessions of the Legislature.

An Act to enable regularly ordained Ministers of the Associate Synod of Scotland to keep Registers authenticated in due form of law.

An Act appointing Commissioners to treat with Commissioners appointed on the part of the Province of Upper Canada.

An Act to provide for the inspection of Sole Leather.

An Act to authorize the purchase of a certain number of copies of the History of Canada, by the late Jacques Labrie, esq.

An Act to provide for the reprinting of certain parts of the Provincial Statutes now in force.

An Act to establish a Board of Audit, and for other purposes therein mentioned.

An Act to regulate the office of Receiver-general of this Province.

Wm. Smith,

Clerk of the Legislative Council of the Province of
Lower Canada.

— No. 3. —

RETURN of the TITLES of all BILLS of a Public or General Character, which having originated with the Legislative Council of Lower Canada during any of their Ten last Legislative Sessions, were rejected or declined to be acted upon by the Assembly of that Province.

Session of 1822.

An Act further to regulate Persons who keep Houses of Public Entertainment, and retail Spirituous Liquors, and for other purposes.

Session of 1823.

An Act to provide a temporary Gaol for the Inferior District of St. Francis.

Session of 1823 and 1824.

An Act to repeal and amend certain parts of an Act passed in 34th year of his late Majesty's reign, intituled, "An Act for the Division of the Province of Lower Canada, for amending the Judicature thereof, and for repealing certain Laws therein mentioned, and to make further provision for the more certain and uniform administration of Justice within the said Province."

An Act for the enrolment (*insinuation*) of all Deeds and Instruments affecting Property by way of Mortgage or *Hypothèque*.

An Act to provide more effectually for making Roads, Highways and Bridges in the Crown and Clergy Reserves, in the Townships of this Province.

An Act for the more effectual Punishment of certain Offences.

An Act to extend the benefit of the Trial by Jury.

An Act respecting the Jurisdiction of the Courts of Quarter Sessions, and to provide for the more speedy administration of Justice in Criminal Cases.

Session of 1825.

An Act for explaining a certain part and extending the provisions of the Act of the 35th George the Third, chap. 4, intituled, "An Act to establish the forms of Registers of Baptisms, Marriages and Burials, and to confirm and make valid in law the Register of the Protestant Congregation of Christ Church, Montreal, and others which may have been informally kept, and to afford the means of remedying Omissions in former Registers."

An Act for establishing the Law of Descent or Dower in respect to Real Property situate within the Townships of this Province, granted or to be granted in Free and Common Socage, for making all Mortgages therein special, and for establishing Register-offices for all Deeds and Mortgages relating to such Property therein.

An Act to provide more effectually for the circulation, by the single piece, of the late Gold Coinage, called Sovereigns and Half Sovereigns.

An Act for the further Punishment of Persons going armed or disguised, in defiance of the Laws of Customs; and for the relief of Officers of the Customs in Informations upon Seizures.

Session of 1826.

An Act to render Persons convicted of Petty Larceny competent Witnesses.

An Act for removing Doubts respecting the construction of a certain part of the Act of the 35th year of the reign of his late Majesty George the Third, chap. 4, intituled, "An Act to establish the forms of Registers of Baptisms, Marriages and Burials, to confirm and make valid in law the Register of the Protestant Congregation of Christ Church, Montreal, and others which may have been informally kept, and to afford the means of remedying Omissions in former Registers, as also for removing doubts about the validity of certain Marriages herein mentioned."

An Act for making Mortgages special on all Lands and other real and immoveable Property which are now or hereafter may be holden in Free and Common Socage within this Province, and for establishing Register-offices for all Deeds and Mortgages relating to such Property therein.

An Act for improving the condition and quality of Grain raised and sold in Lower Canada.

An Act for rendering valid Conveyances of Land and other immoveable Property held in Free and Common Socage within the Province of Lower Canada, and for other purposes therein mentioned.

An Act to continue for a limited time a certain Act therein mentioned, intituled, "An Act to regulate Persons who keep Houses of Public Entertainment and retail Spirituous Liquors, and for other purposes;" and also to continue a certain other Act therein mentioned, intituled, "An Act to amend an Act passed in the third year of his Majesty's reign, intituled, 'An Act further to regulate Persons who keep Houses of Public Entertainment and retail Spirituous Liquors, and for other purposes.'"

An Act to make further provisions to prevent the desertion of Seamen and others in the Sea Service, and for other purposes relating thereto.

*Session of 1827. Nil.**Session of 1828 and 1829.*

An Act for making Mortgages special on all Lands and other real and immoveable Property which now are or hereafter may be holden in Free and Common Socage within this Province, and for establishing Offices for the enregistration of all such Deeds and Mortgages relating to such Property.

An Act to provide for the nomination and appointment of Parish and Town Officers within the Townships of this Province.

An Act for repealing various Statutes relative to the benefit of Clergy and to Larceny, and other Offences connected therewith, and to malicious Injuries to Property.

An Act for consolidating and amending the Laws in Lower Canada, relative to Larceny and other Offences connected therewith.

An Act for improving the Administration of Criminal Justice in Lower Canada.

An Act for consolidating and amending the Laws in Lower Canada, relative to malicious Injuries to Property.

An Act to provide for the better Representation of the Townships of this Province, in the Provincial Parliament.

An Act for granting the right of celebrating Marriages to the Ministers and Teachers of the Wesleyan Methodists, and to the Ministers of the Jewish Religion, under certain limitations and restrictions.

An Act for altering the mode of attaching the shafts to Carioles, Trains and other winter vehicles in this Province.

An Act to repeal and make void an Ordinance, intituled, "An Ordinance for preventing Persons leaving the Province without a Pass."

An Act to authorize the Governor, Lieutenant-Governor or Person administering the Government of the Province to increase from time to time the Number of the Royal Institution, for the advancement of Learning and other purposes.

An Act to provide a more summary and less expensive Remedy for the recovery of small Debts.

An Act to declare that the Justices of the Peace residing within the parish of Quebec, shall act jointly with the Justices of the Peace residing within the city of Quebec, concerning Road Matters.

Session of 1830.

An Act for improving the Administration of Criminal Justice in the Province of Lower Canada.

An Act for consolidating and amending the Laws in Lower Canada, relating to Larceny and other Offences connected therewith.

An Act for consolidating and amending the Laws in Lower Canada, relative to malicious Injuries to Property.

An Act for repealing various Statutes relative to the benefit of Clergy and to Larceny, and other Offences connected therewith, and to malicious Injuries to Property.

An Act to provide a more summary and less expensive Remedy for the recovery of small Debts.

Session of 1831.

An Act for improving the Administration of Criminal Justice in the Province of Lower Canada.

An Act for consolidating and amending the Laws in Lower Canada, relative to Larceny and other Offences connected therewith.

An Act for consolidating and amending the Laws in Lower Canada, relative to malicious injuries to Property.

An Act for rendering valid Conveyances and other Titles to Land held in Free and Common Socage within the province of Lower Canada.

An Act for appointing an Agent for this Province in the United Kingdom of Great Britain and Ireland, to act on the part and behalf of the Legislative Council of this Province.

Session of 1832.

An Act to regulate the curing, packing and inspecting of Beef and Pork.

An Act to repeal certain Acts therein mentioned, relating to the safe custody and registering of Letters Patent, granting the Waste or other Lands of the Crown, and to consolidate and amend the provisions in the said Acts contained.

Wm. Smith,
Clerk of the Legislative Council of the Province of
Lower Canada.

— No. 4. —

RETURN of the TITLES of all BILLS of a Public or General Character, which having been passed by the Legislative Council and Assembly of the Province of Lower Canada, during any of their Ten last Legislative Sessions, have been refused His Majesty's Sanction.

Session of 1822. Nil.

Session of 1823. Nil.

Session of 1823 and 1824.

An Act to repeal certain Ordinances, and to amend part of an Act therein mentioned, as far as the same relates to the City and Suburbs of Montreal, to determine the Limits of the City and Town of Montreal, and to establish a Society therein for preventing Accidents by Fire.

Session of 1825. Nil.

Session of 1826.

An Act to continue for a further limited time and amend certain Acts therein mentioned for regulating the Trade between this Province and the United States of America.

Session of 1827. Nil.

Session of 1828 and 1829. Nil.

Session of 1830. Nil.

Session of 1831. Nil.

Session of 1832

An Act to regulate the exercise of certain Rights of Lessors and Lessees.

Certified.

Wm. Smith,

Clerk of the Legislative Council of the Province of
Lower Canada.

LOWER CANADA LEGISLATURE.

R E T U R N S

RELATING TO

THE LEGISLATIVE COUNCILS OF
LOWER CANADA.

(*Mr. Hume.*)

*Ordered, by The House of Commons, to be Printed,
24 March 1834.*

CROWN LANDS, COLONIES.

RETURN to an ADDRESS of the Honourable The House of Commons, dated 17 April 1834;
(so far as the same can at present be complied with)—for,

RETURNS of all SALES of LANDS in *Upper* and *Lower Canada*, from the 31st December 1823 to the 1st January 1834; distinguishing between CROWN LANDS, CROWN RESERVES, and CLERGY RESERVES; and specifying, in the order of Date on which such SALES were effected, 1st, the Quantity of Land in each Lot; 2d, where Situated; 3d, Conditions of Sale (such as Credit given, &c.); 4th, Price per Acre; 5th, Monies received in Payment; 6th, the Application of said Monies:

Of all GRANTS or APPROPRIATIONS of CROWN LANDS in *Upper* and *Lower Canada*, without Purchase, between 31st December 1823 and 1st January 1834; showing the Quantity of Land granted or appropriated to each Holder, where Situate, and under what Conditions:

Similar RETURNS for each of the Colonies of *New South Wales* and *Van Diemen's Land*.

[*The Returns from New South Wales and Van Diemen's Land have not yet been received.*]

Colonial Department, Downing-street, }
14 August 1834.

JOHN LEFEVRE.

(Mr. Hutt.)

Ordered, by The House of Commons, to be Printed,
14 August 1834.

Sales of Land in Upper and Lower Canada.

LOWER CANADA.

A RETURN of all SALES of LAND in *Lower Canada*, from the 31st Dec. 1823 to the 1st Jan. 1833, distinguishing between CROWN RESERVES, CROWN LANDS and CLERGY RESERVES; specifying the Prices per Acre, the Money received, and the Application of the same.

DESCRIPTION.	Quantity, in Acres.	Price per Acre.	Amount received.	APPLICATION.
		s. d. s. d.	£. s. d.	
Crown Reserves -	74,054	from 2 - to 12 9	11,154 16 7 ½	{ Paid into the hands of the Receiver-general of the Province.
Crown Lands -	81,307	— 1 3 7 6		
Clergy Reserves -	30,697	— 1 3 15 -	2,245 15 9	{ Remitted to the Lords of the Treasury, for investment in the Funds of the United Kingdom.

(signed) W. B. Felton,
Commissioner of Crown Lands.

UPPER CANADA.

RETURN of GRANTS and APPROPRIATIONS of CROWN LANDS in the Province of *Upper Canada*, without Purchase, made between the 31st Dec. 1823 and 1st Jan. 1833; showing the Quantity of Land granted or appropriated.

	Acres.	Acres.
Amount of Acres appropriated or located between 31 Dec. 1823 and 1 Jan. 1833, to emigrant settlers, under Orders in Council in their favour made during that period, under Regulations of 6 July 1804 - - - - -	138,200	
Ditto - - - granted or described ditto - - - ditto - - -	58,950	
Ditto - - - ordered and not located ditto - - - ditto - - -	48,150	245,300
Ditto - - - appropriated or located during the same period to emigrant settlers, under the Regulations of 15 Jan. 1819 - - -	28,850	
Ditto - - - granted or described ditto - - - ditto - - -	5,150	
Ditto - - - ordered and not located ditto - - - ditto - - -	15,350	49,350
Ditto - - - appropriated or located to officers and discharged soldiers and seamen, for the same period - - - - -	101,830	
Ditto - - - granted or described ditto - - - ditto - - -	43,065	
Ditto - - - ordered and not located ditto - - - ditto - - -	109,040	253,935
Ditto - - - appropriated or located to militia-officers and militia-men, within the same period - - - - -	30,800	
Ditto - - - granted or described ditto - - - ditto - - -	47,200	
Ditto - - - ordered and not located ditto - - - ditto - - -	20,800	98,800
Ditto - - - appropriated or located to children of U. E. Loyalists, within the above period - - - - -	78,850	
Ditto - - - granted or described ditto - - - ditto - - -	84,400	
Ditto - - - ordered and not located ditto - - - ditto - - -	113,450	267,670
Total - - -		915,055

(signed) S. P. Hurd, S. G.

A P P E N D I X.

Showing the CONDITIONS under which the various descriptions of Holders of Crown Grants, named in the accompanying Returns, received Orders in Council for Land.

F E E S.

The Grants to Emigrant Settlers, denominated as under Regulations of 6th July 1804, are subject to the following scale of Fees, payable on applying for the Patents:

	£.	s.	d.	
Grants of 100 acres - - - - -	6	9	-	sterling.
— 200 - - - - -	8	4	1	
— 300 - - - - -	12	6	1 ½	
— 400 - - - - -	16	8	2	
— 500 - - - - -	20	10	2 ½	
— 600 - - - - -	24	12	3	
— 700 - - - - -	28	14	3 ½	
— 800 - - - - -	32	16	4	
— 900 - - - - -	36	18	4 ½	
— 1,000 - - - - -	41	-	5	

Upon Grants under Regulations of 5th January 1819, the following Fees are chargeable:

	£.	s.	d.	
Grants of 100 acres - - - - -	6	9	-	sterling.
— 200 - - - - -	16	17	6	
— 300 - - - - -	24	11	7	
— 400 - - - - -	32	5	8	
— 500 - - - - -	39	19	9	
— 600 - - - - -	47	13	10	
— 700 - - - - -	55	7	11	
— 800 - - - - -	63	10	-	
— 900 - - - - -	70	6	1	
— 1,000 - - - - -	78	10	2	
— 1,100 - - - - -	86	4	3	
— 1,200 - - - - -	93	18	4	

Grants of land to reduced officers and discharged soldiers and seamen are made without fees. In the earlier part of the period embraced by these Returns, the half patent fee of 1*l.* 9*s.* 4*d.* sterling was exacted upon each military or naval grant, but which has been latterly altogether discontinued.

Grants to officers and soldiers of the flank companies of militia, and of cavalry and volunteer corps, who served during the late war, are exempted from fees.

Grants to the children of U. E. Loyalists, and of officers and soldiers who served during the revolutionary war, are not subject to fees.

C O N D I T I O N S O F S E T T L E M E N T.

The various classes of grantees included in the Returns made their locations, (that is, were permitted to select the lands ordered them,) under the following conditions of settlement.

The conditions in force 31st December 1823, the time from which these Returns take their commencement, were enacted by Orders in Council of 20th October 1818 and 21st February 1820, and which applied equally to all classes of grantees. These orders provided,—

That locatees shall clear thoroughly and fence five acres for every 100 acres granted; and build a house 16 by 20 feet in the clear: and to clear one-half of the road, and chop down without charring one chain in depth across the lot next to road. These road duties to be considered as part of the five acres per 100. The whole to be completed within two years from the date of the location, and upon proof of their fulfilment patents to issue.

On the 14th May 1830, an additional stipulation was made in locations to discharged soldiers, which required an actual residence on their lots in person, of five years before the issue of their patents.

On the 14th November 1830, the then existing Orders in Council respecting settlement duties were cancelled; and it was ordered that in lieu thereof each locatee should clear half the road in front of his lot, and from 10 feet in the centre of the road cut the stumps so low that waggon-wheels might pass over them. Upon proof of this, and that a settler had been resident on the lot two years, a patent might issue. Locatees, however, were at liberty, instead of placing settlers on their lands, to clear, in addition to half the road on each lot, a chain in depth across the front, and to sow it and the road with grass seed.

Upon discharged soldiers and seamen alone, under this Order, it became imperative to reside on and improve their lands three years before the issue of the patent.

On the 24th May 1832, an Order in Council was made abolishing in all cases, excepting that of discharged soldiers and seamen, the Regulations previously existing; and which directed that, upon proof of an actual settler being established on a lot, a patent should issue without the condition of settlement duty.

(signed) S. P. Hurd, Surveyor-general.

CROWN LANDS, COLONIES.

RETURNS of SALES of LAND in *Upper* and *Lower*
Canada; and of Grants or Appropriations of Crown
Lands without Purchase; from 31 December 1823
to 1 January 1834.

(*Mr. Hunt.*)

Ordered, by The House of Commons, to be Printed,
14 August 1834.

LOWER CANADA CLERGY.

RETURN to an Address to HIS MAJESTY, dated 4 August 1834;—for,

AN ACCOUNT, in detail, showing what PAYMENTS were made to BISHOPS, RECTORS, MISSIONARIES, or other Religious Teachers in *Lower Canada*, whether of the Churches of *England, Rome, Scotland*, or any other Denomination, during the last Year, out of Funds raised in the Province; showing the authority by which the several Payments were made, the Names of the Persons so paid, the Amount they severally received, and their Stations as such Missionaries or Teachers.

NO PAYMENTS made to the Clergy or other Religious Teachers in Lower Canada out of Funds raised in the Province.

Colonial Department, }
13 August 1834. }

John Lefevre.

P A P E R

RELATING TO

CLERGY OF LOWER CANADA.

(*Mr. Hume.*)

*Ordered, by The House of Commons, to be Printed,
15 August 1834*

624.

C A N A D A.

RETURN to an Address of The Honourable the House of Commons,
dated 15 May 1835;—for.

COPY of a DESPATCH from the Right honourable *Thomas Spring Rice* to Lord *Aylmer*, authorizing him to pay the OFFICERS of the CIVIL GOVERNMENT of CANADA certain Monies not appropriated to that purpose by the Legislature of *Canada*.

Colonial Department, Downing-street, }
18 May 1835. }

G. GREY.

MY LORD,

Downing-street, 27 Sept. 1834.

I HAVE the honour to acquaint your Lordship, that His Majesty's Government, being fully aware of the extreme inconvenience to which your Government has necessarily been exposed by the failure of the Supply Bill for the year 1833, and by the absence of any provision for the expenses of the Public Service for the present year, have had under their most serious consideration the steps which it would be most desirable to adopt with the view of relieving you from such a state of embarrassment.

The most gratifying termination to this state of things that can be anticipated is unquestionably the settlement of the Financial differences of the Province in a manner satisfactory to all parties, and such as may meet the reasonable views of His Majesty's Subjects of all classes in Canada. This supposition is one which it is my most earnest desire to realize, and to its accomplishment the most anxious endeavours of the Government are now directed. But in the interval which must occur before these discussions can be brought to a close, I am bound, in justice to those who fill public situations, to consider the privations and hardships to which they are subject by the delay which has taken place in the payment of their Salaries, and to devise some immediate means for providing funds for their relief. Nothing but the unprecedented nature of the call would justify the Government in having recourse to such a measure, especially since (as your Lordship is aware) there is a sum amply sufficient to meet the demands of the Public Service remaining in the Public Chest, but which cannot with propriety be appropriated until a Supply Bill has been passed by the Assembly. It is under these peculiar circumstances that it has been determined by His Majesty's Government to authorize an advance to be made from the Military Chest, not exceeding the sum of £.31,000, being the amount required to defray the Services of the year 1833. I do not mean to direct these payments to be made in all cases, for it would be unquestionably more advantageous in many respects that a course of proceeding, only to be justified by inevitable necessity, should not be resorted to. But my intention is to vest in your Lordship, under the responsibility of His Majesty's Government, an authority to meet such extreme cases of pressure as may require your interposition, and may not admit of delay till the entire question is disposed of, by a temporary advance from the Extraordinary Funds of the Mother Country, giving this relief in a manner which does not prejudice any of the points under discussion, and feeling convinced that out of the Supplies which I trust will be voted by the Legislature of Lower Canada this advance will be cheerfully repaid.

You will, upon the meeting of the Legislature, take the earliest opportunity of making the two Houses acquainted with the course which His Majesty's Government have felt it necessary to adopt; and I entertain a confident expectation that the financial condition of the Province will receive from the Legislature that attention which its paramount importance demands.

I have, &c.

To Lieut.-General Lord Aylmer,
&c. &c. &c.

(signed) *T. Spring Rice.*

CANADA.

COPY of a DESPATCH from the Right
honourable *Thomas Spring Rice* to Lord *Aylmer*,
respecting Pay of the OFFICERS of the CIVIL
GOVERNMENT of CANADA.

(*Mr. Roebuck.*)

Ordered, by The House of Commons, to be Printed,
18 May 1835.

LOWER CANADA.

RETURN to an Address of the Honourable The House of Commons,
dated 16 July 1835;—for,

COPY of a DESPATCH from Lord *Aylmer* to the SECRETARY of STATE for
the Colonies, in Reply to Mr. Secretary *Rice*'s Despatch of 27 September 1834.

Colonial Department, Downing-street, }
24 July 1835.

G. Grey.

COPY of a DESPATCH from Governor Lord *Aylmer* to Mr. Secretary *Spring Rice*,
dated Castle of St. Lewis, Quebec, 23d November 1834.

SIR,

IMMEDIATELY on receiving your Despatch of the 27th September (of which Captain Mackinnon was the bearer), authorizing the issue from the military chest of a sum not exceeding 31,000*l.* to be applied to the payment of the arrears due upon the estimate for the expenses of the Civil Government and the administration of justice in this Province for the year ending in the month of October 1833, I assembled the Executive Council, and referred to them the details of the measure.

I have now the honour of transmitting their Report, to which I take leave to call your attention, and, without stopping to submit any remarks upon it, I hasten to offer on my own part, and I am sure I may confidently add, on the part of all the officers of Government in this Province, my thanks, and their thanks, for the seasonable relief which has been afforded by the issue, upon the responsibility of His Majesty's Ministers (so generously incurred on this occasion), of the means of paying the balance due upon the Estimate of the year 1833.

The benefit of this relief will be felt, when it is recollected that some of the public officers have 20 months, and even those who have benefited to the greatest extent by the partial issues already made, have 17 months of salary now due to them, and that, with few exceptions, those individuals are altogether dependent upon their salaries for the means of existence. Under the privations to which the public officers have been exposed, they have generously abstained from urging their distresses upon the consideration of the Executive Government; and it is within my own knowledge, that many of them have been compelled to part with articles of furniture and plate, and even their watches, to procure the bare necessities of life. To such extremity has the public service been driven, that I have, for some time past, been in daily apprehension of a dissolution of the King's Government in the Province, from the want of means to carry on its ordinary operations.

I am now, for the moment, relieved from this apprehension; but I take leave most earnestly to represent to His Majesty's Government the necessity of guarding against the recurrence of so critical a state of affairs, by the adoption of some certain mode of providing for the wants of His Majesty's Government.

I am not yet acquainted with the course which it may be the intention of His Majesty's Government to adopt for the adjustment of the existing financial difficulties with the House of Assembly; but should the ensuing Session terminate without any adequate provision being made for defraying the expenses of the Civil Government and the administration of justice, the same embarrassments from which we have just been relieved must inevitably recur.

I have, &c.

(signed) *Aylmer.*

To His Excellency the Right Honourable Lord *Aylmer*, K.C.B. Captain-General and Governor-in-Chief of the Province of *Lower Canada*, &c.

REPORT of a Committee of the whole Council: Present, the Honourable Mr. Smith, Mr. Deléry, Mr. Stewart and Mr. Cochran, on Your Excellency's reference in Council of Mr. Secretary Spring Rice's Despatch of 27th September last.

May it please Your Excellency,

THE Committee proceeding upon your Excellency's reference in Council of Mr. Spring Rice's Despatch of 27th September last, have deliberated upon it with all the care and attention which the importance and urgency of the subject demand; and with the view to carry the directions of the Secretary of State into effect, according to their spirit and intention, and in such a manner as to afford to the Government and its Officers that relief which the Secretary of State authorizes to be granted;

Your Excellency is instructed to make an advance from the Extraordinary Funds of the Mother Country, to meet such extreme cases of pressure as may require your interposition, and may not admit of delay until the entire question is disposed of. So far as this part of the instruction may appear to restrain your Excellency in the application of the intended relief to those cases only where the pressure will not admit of delay, the Committee do not hesitate to submit to your Excellency their unanimous opinion, that the limitation cannot be acted upon without instituting an inquiry into the circumstances of individual cases, which would not be practicable, if it were fitting.

It is sufficient for the Committee to observe that the salaries and contingent expenses of 1833, have been in arrear for more than twelve months; that all the officers of Government had performed, during that year, the duties for which their salaries were assigned to them; that those salaries were necessary for their subsistence; that general distress, and in some cases severe sacrifice of property, attended with circumstances derogatory to the proper respectability of Government, have resulted from these salaries having been withheld; and that the contingent expenditures for the public departments for the indispensable services of Government, and for actual advances made by public officers for those services, upon their own credit, have been due for the same time, and remain now to be paid.

Under these circumstances, the Committee do not think that the relief which your Excellency is instructed to give, can be limited by a distinction of cases. They feel that His Majesty's Provincial Government have cause to be deeply grateful to the Secretary of State for granting that relief, at a moment of difficulty which could not longer have been borne by the Public Officers, and when no further advances or sacrifices could be expected from them for carrying on the services of their several departments.

But at the same time, seeing that the relief thus afforded is but temporary, and drawn from an extraordinary source; that the public salaries and contingencies of another year are due since the 1st October last; that the pressure now alleviated for a time must speedily return; and that no reasonable security or ground of expectation exists, that it will not again from time to time recur; the Committee would fain hope that His Majesty's Government may see fit to avert the necessity of again resorting to an extraordinary application of the funds of the Parent State, by adopting some permanent measure to secure the King's service in this province from the probable danger of yearly interruption, which, while it exposes the officers of Government to destitution, introduces general confusion into public affairs, and brings His Majesty's Government itself into contempt in the eyes of the people.

The Committee now recommend that the various heads of expense, both salaries and contingencies, borne upon the estimate of 1833, excepting new items of expense, or such as had not been provided for under the Appropriation Act of 1832, should be paid out of the sum of 31,000*l.* now placed at your Excellency's disposal.

They have accordingly caused two Schedules to be prepared and annexed to this Report:

No. 1. Showing the Balances of Salaries unpaid for the year 1833.

No. 2. Showing the Balances due for Contingent Expenses of public Departments for the same year;—and

They recommend that warrants do issue for the several balances stated in those Schedules.

The Committee have to observe, that in forming the Schedule of Unpaid Contingencies they have been guided by the accounts actually rendered and audited, or of which the amount has been sufficiently ascertained by the Inspector-General of Accounts; they have therefore been compelled to omit the sum of 1,350*l.*, the balance of the sum of 7,200*l.* estimated in 1833 for the contingencies of the Assembly, inasmuch as neither this Committee nor the Inspector-General have before them, or have access to, any accounts or documents whatsoever to ascertain the balance of expenditure for 1833 actually incurred on this head, and remaining undischarged.

The Committee have also left out of the Schedule No. 1. the salary of the Receiver-General and the salary and fixed allowances of the Commissioner of the Jesuits' Estates, as these several accounts are authorized to be deducted by those officers from the gross amount of the revenues collected by them, before they are brought to account with the public.

The Committee have only further to add, that in including in Schedule No. 1. the full amount of pensions borne upon the Estimate, they have been influenced by the entire conviction, that in almost all cases to be found upon this list the pensions hitherto enjoyed by the parties have been relied upon, and is now required, as a necessary portion of their ordinary means of subsistence.

All which is respectfully submitted to Your Excellency's wisdom.

Council Chambers, }
22 November 1834. }

By Order,

(signed) *Wm Smith*, Chairman.

SCHEDULE, No. 1.

BALANCES of SALARIES for the Year 1833, unpaid.

OFFICE.	Period.	Amount, Sterling.	OFFICE.	Period.	Amount, Sterling.
		£. s. d.			£. s. d.
Governor-in-Chief - - -	9 Months to 30 Sept. 1833	3,375 - -	Brought forward - - -	- - -	12,341 13 7
Civil Secretary - - -	6 Months	250 - -	Crier to Courts at Montreal - -	9 Months	15 - -
Assistant ditto - - -	9 Months	150 - -	Tipstaff to ditto - - -	- - -	13 10 -
Assistants in Office of ditto - -	- - -	273 - -	Crier and Tipstaff at Three Rivers -	- - -	18 15 -
Keeper of the ditto of ditto - -	- - -	33 15 -	Keeper of Court House, Quebec -	- - -	40 10 -
Messenger of ditto - - -	- - -	33 15 -	Ditto - - - Montreal - - -	- - -	54 - -
Extra ditto of ditto - - -	- - -	30 14 3	Ditto - - - Three Rivers - - -	- - -	27 - -
Auditor of Land Patents - - -	- - -	150 - -	Ditto Gaol and Court House, New Carlisle - - -	- - -	27 - -
Three Residents on the Island of Anticosti - - -	- - -	131 5 -	Ditto - - - at Percé - - -	- - -	27 - -
Inspector General of Public Accounts, including allowance for Clerk - - -	- - -	300 - -	Ditto Court Hall at Sherbrooke -	- - -	13 10 -
Five Members of Executive Council - - -	- - -	300 - -	Ditto Gaol at Quebec - - -	- - -	93 15 -
Registrar and Clerk of ditto, including allowance for stationery, printing, &c. - - -	- - -	412 10 -	Ditto ditto Montreal - - -	- - -	93 15 -
Assistant Clerk - - -	- - -	136 10 -	Allowance to ditto for Turnkeys, Quebec - - -	- - -	54 - -
Messenger and Keeper of the Apartments - - -	- - -	37 10 -	Ditto - - ditto - Montreal - -	- - -	54 - -
Door Keeper and Office Servant -	- - -	37 10 -	Keeper of Gaol at Three Rivers -	- - -	41 5 -
Chief Justice of the Province -	6 Months	750 - -	Allowance for two Turnkeys - -	- - -	54 - -
Chief Justice of Montreal - - -	- - -	550 - -	Keeper of the Gaol at Sherbrooke -	- - -	18 15 -
Six Puisne Judges - - -	- - -	2,700 - -	Physician attending the Gaol at Quebec - - -	- - -	150 - -
Provincial Resident Judge, Three Rivers - - -	- - -	450 - -	Ditto - - - Montreal - - -	- - -	150 - -
Two Provincial Judges - - -	- - -	500 - -	Ditto - - - Three Rivers - - -	- - -	60 - -
Circuit allowance - - -	- - -	256 5 -	Surveyor-General - - -	- - -	337 10 -
Judge of the Court of Vice-Admiralty - - -	- - -	100 - -	First Clerk to ditto - - -	- - -	136 10 -
Attorney-General - - -	- - -	229 6 4	Second ditto - ditto - - -	- - -	112 10 -
Solicitor-General - - -	- - -	147 8 -	Allowance for Stationery and Office Servant - - -	- - -	45 - -
Sheriff of Quebec - - -	9 Months	75 - -	Adjutant-General of Militia - -	- - -	337 10 -
Ditto Montreal - - -	- - -	75 - -	Deputy ditto - - -	- - -	202 10 -
Ditto Three Rivers - - -	- - -	56 5 -	Two Provincial Aides-de-Camp -	- - -	270 - -
Ditto Gaspé - - -	- - -	52 10 -	Clerk in the Office of the Adjutant-General - - -	- - -	92 2 9
Ditto St. Francis - - -	- - -	37 10 -	Messenger in ditto - - -	- - -	45 - 11
Allowances to Sheriffs of Quebec, Montreal and Three Rivers for executioners - - -	- - -	60 15 -	Grand Voyer of the district of Quebec - - -	- - -	112 10 -
Allowance to Sheriff of Gaspé for travelling expenses - -	- - -	7 10 -	Ditto - - - Montreal - - -	- - -	126 3 4
Coroner of Quebec - - -	- - -	75 - -	Ditto - - - Three Rivers - - -	- - -	73 14 6
Ditto Montreal - - -	- - -	75 - -	Surveyor of Highways at Gaspé -	- - -	37 10 -
Ditto Three Rivers - - -	- - -	37 10 -	Inspector of Chimnies at Three Rivers - - -	- - -	18 15 -
Ditto Gaspé - - -	- - -	37 10 -	Clerk of the Terrars of the King's Domain - - -	- - -	67 10 -
Clerk of the Court and Clerk of Peace, Gaspé, and allowance for travelling expenses - -	- - -	45 - -	Translator of Public Documents -	- - -	37 10 -
Clerks of the Crown for Quebec, Montreal and Three Rivers - -	- - -	75 - -	Rent of Office for registering Grants of Crown Lands - - -	- - -	54 - -
Clerk Court of Appeals - - -	- - -	90 - -	Messenger to the Provincial Secretary - - -	- - -	22 10 -
Allowance to ditto for stationery -	12 Months	6 - -	Rent of Building used as Offices for the Civil Departments of Government - - -	12 Months	500 - -
Usher of Court of ditto - - -	9 Months	20 5 -	Keeper of ditto - - -	9 Months	30 - -
Interpreter of Courts at Quebec -	- - -	30 - -	Clerk to Receiver-General - - -	12 Months	100 - -
Ditto - - - Montreal - - -	- - -	30 - -	Pensions - - -	- - -	1,510 12 -
Ditto - - - Three Rivers - - -	- - -	18 15 -	Salaries of the Officers of the Legislature - - -	9 Months	3,775 8 6
High Constable, Quebec - - -	- - -	27 - -	Master of Grammar School at Quebec - - -	12 Months	200 - -
Ditto - - - Montreal - - -	- - -	27 - -	Rent of School-house - - -	- - -	90 - -
Ditto - - - Three Rivers - - -	- - -	20 5 -	Master of Grammar School at Montreal - - -	- - -	200 - -
Crier of Courts at Quebec - - -	- - -	15 - -	Rent of School-house - - -	- - -	54 - -
Tipstaff, ditto - - -	- - -	13 10 -	Secretary of Royal Institution, for contingencies, and Clerk - - -	- - -	36 - -
Carried forward - £.		12,341 13 7	TOTAL, Sterling - - £.		21,972 5 7

Quebec, 22 November 1834.

(signed) Wm. Smith, Chairman.

SCHEDULE, No. 2.

BALANCES due for CONTINGENT EXPENSES of PUBLIC DEPARTMENTS for the Year ended 13th October 1833.

OFFICES.	Balance due, Sterling.	OFFICES.	Balance due, Sterling.
	£. s. d.		£. s. d.
Civil Secretary, for Printing and Stationery - - -	140 13 7	Brought forward - - -	6,447 17 10
Ditto - Postages - - -	1,246 15 3	Prothonotaries at Three Rivers	29 7 3
Provincial Secretary - - -	281 18 6	Ditto - - St. Francis -	27 10 -
Fuel for Public Offices - - -	- - -	Clerks of the Peace at Quebec -	458 10 4
Care of Building used for Public Offices - - -	12 - 9	Ditto - - Montreal -	400 13 8
Crown Law Officers - - -	1,700 - -	Ditto - - Three Rivers	274 19 10
Sheriff of Quebec - - -	782 1 -	Ditto - - Gaspé -	25 - -
Ditto - Montreal - - -	830 2 4	Ditto - - St. Francis -	7 14 9
Ditto - Three Rivers - - -	280 - -	Service of Subpœnas at Quebec -	36 14 -
Ditto - Gaspé - - -	50 - -	Ditto - - Three Rivers -	22 14 2
Ditto - St. Francis - - -	68 6 1	Payments of needy Witnesses at Montreal - - -	130 8 4
Coroner of Quebec - - -	240 4 -	Ditto - - Three Rivers -	48 10 6
Ditto - Montreal - - -	120 9 4	Surveyor-General for Postages -	10 - -
Ditto - Three Rivers - - -	26 12 4	Adjutant General of Militia for Postages, Printing and Stationery - - -	164 9 8
Clerk of the Crown, Quebec -	62 3 2	Repairs to Public Buildings -	893 12 4
Ditto - - Montreal -	136 18 9	Per centage to Inspector of King's Domain - - -	144 12 8
Ditto - - Three Rivers -	26 2 3		
Prothonotaries at Quebec -	94 11 1		
Ditto - - Montreal -	348 19 5		
Carried forward - - -	6,447 17 10	TOTAL, Sterling - - £.	9,122 15 4

Quebec, }
22 November 1834. }

(signed) W^m Smith,
Chairman.

LOWER CANADA.

COPY of a DESPATCH from Lord Aylmer to the SECRETARY of STATE for the COLONIES, in Reply to Mr. Secretary Rice's Despatch of 27 September 1834.

(Mr. Hume.)

Ordered, by The House of Commons, to be Printed,
24 July 1835.

CROWN LANDS, CANADA :
CANADA LAND AND TIMBER FUNDS.

RETURNS to ADDRESSES of the Honourable The House of Commons, dated respectively
17 April and 8 August 1834 ;—for,

— (1.) —

RETURNS of all SALES of LANDS in *Upper* and *Lower Canada*, from the 31st December 1823 to the 1st January 1834; distinguishing between CROWN LANDS, CROWN RESERVES, and CLERGY RESERVES; and specifying, in the order of Date, on which such Sales were effected, 1st, the Quantity of Land in each Lot; 2d, where Situated; 3d, Conditions of Sale (such as Credit given, &c.); 4th, Price per Acre; 5th, Monies received in Payment; 6th, the Application of said Monies.

RETURNS of all GRANTS or APPROPRIATIONS of CROWN LANDS in *Upper* and *Lower Canada*, without Purchase, between 31st December 1823 and 1st January 1834; showing the Quantity of Land Granted or Appropriated to each Holder, where Situate, and under what Conditions.

Similar RETURNS for each of the Colonies of *New South Wales* and *Van Diemen's Land*.

(In continuation of Papers presented to The House of Commons, 14 August 1834, No. 615.)

(Mr. Hutt.)

— (2.) —

RETURN, in Detail, of the RECEIPTS and EXPENDITURE of the LAND and TIMBER FUNDS in *Upper* and *Lower Canada*, in each of the Years 1830, 1831 and 1832.

(Mr. Hume.)

Colonial Department, Downing-street, }
23 March 1835.

R. W. HAY.

Ordered, by The House of Commons, to be Printed,
27 March 1835.

No. 1.

CROWN LANDS, CANADA

LETTER from Lord Aylmer to the Secretary of State for the Colonial Department.

Sir, Castle of St. Lewis, Quebec, 23 Jan. 1835.

Nos. 1 & 2.
No. 3.

WITH reference to Mr. Spring Rice's despatch of the 17th August 1834, I have the honour of transmitting herewith a Return of Crown Lands Sold and Granted in each year, from the 31st December 1823 to the 31st December 1833, and of Clergy Reserves sold in each year, from the time the sales commenced, under the 7th & 8th Geo. 4, c. 62, to the 31st December 1833. These Returns will be found to correspond with the Form inclosed in the despatch above referred to.

I have, &c.
(signed) Aylmer.

LOWER CANADA.

(1).—RETURN of CROWN LANDS Sold and Granted in each Year from the 31st December 1823 to the 31st December 1833 inclusive.

Year.	Number of Acres Sold.	Average Price per Acre.	Amount of Purchase-money received within the First Year.	Amount of the Purchase-money remitted to Military Purchasers within the First Year.	Amount of Quit-Rent at 5 per Cent. on the Purchase-money received within the First Year.	Whole Amount of the Purchase-money.	Number of Years within which the whole Purchase-money is to be paid.
1823 to 1827	No sales.	s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
1828	20,011	4 11	1,255 14 10 1/4	- - -	39 12 6	5,044 9 9 1/4	On sales on instalments. Three years.
1829	31,366	5 2 3/4	466 2 11 1/2	- - -	307 11 - 1/4	7,469 17 7	
1830	28,077	5 8 3/4	273 10 5 3/4	- - -	322 3 - 3/4	7,461 13 5	On sales on quit-rent, at 5 per cent. the capital is redeemable at pleasure.—N.B. Sales on quit-rent ceased in 1832.
1831	51,357	6 1 3/4	815 19 8 3/4	- - -	484 14 7 3/4	12,442 8 -	
1832	24,074	6 9 1/4	1,013 1 11 1/4	555 11 -	119 2 7 3/4	6,139 - 10 1/4	
1833	42,570	4 2	1,975 10 11	1,936 9 3	- - -	7,549 1 5	
Totals	197,455	- -	- - -	- -	- - - £.	46,106 11 - 1/2	

(2).—RETURN of CROWN LANDS Granted in each Year from the 31st December 1823 to the 31st December 1833 inclusive.

Year.	Number of Acres granted U. E. Loyalists.	Number of Acres granted to Militia Claimants.	Number of Acres granted to discharged Soldiers and Pensioners.	Number of Acres granted to Officers.	Number of Acres granted, not coming within any of the previous descriptions.	Total Number of Acres Granted.	Conditions on which the Majority of the Grants are made.
1824	- -	51,810	- - -	4,100	34,859	90,769	Settler's conditions:—That he do clear 20 feet of road on his lot within the space of 90 days. Military and Militia conditions:—That he do, within the space of three years, clear and cultivate four acres of his lot, and build a dwelling-house thereon.
1825	- -	32,620	- - -	1,000	16,274	49,894	
1826	- -	3,525	5,500	- -	48,224	57,249	
1827	- -	7,640	6,300	800	38,378	53,118	
1828	- -	7,300	- - -	4,504	9,036	20,840	
1829	- -	3,200	- - -	- -	5,282	8,482	
1830	- -	81,425	- - -	2,000	10,670	94,095	
1831	- -	9,400	8,273	3,408	9,900	30,981	
1832	- -	10,116	19,000	4,000	4,000	37,116	
1833	- -	5,200	22,500	1,200	- -	28,900	
Totals -		212,236	61,573	21,012	176,623	471,444	

AND CANADA LAND AND TIMBER FUNDS.

3

(3.)—RETURN of CLERGY RESERVES Sold in each Year since the Sales commenced under the Act 7 & 8 Geo. 4, c. 62, 1 July 1829.

Year.	Number of Acres Sold.	Average Price per Acre.	Amount of Purchase-money received within the First Year.	Amount of Quit-Rent at 5 per Cent on the Purchase-money received within the First Year.	Whole Amount of the Purchase-money.	Number of Years within which the whole Amount of the Purchase-money is to be paid.
		<i>s. d.</i>	<i>£. s. d.</i>	<i>£. s. d.</i>	<i>£. s. d.</i>	
1829	1,100	4 6	10 - -	13 10 -	230 - -	On Sales, on instalments, 3 years.
1830	9,956	4 9	543 17 -	18 - -	1,610 3 -	On Sales, on quit-rent, at 5 per
1831	11,332	7 2 $\frac{1}{2}$	541 7 6	57 - -	2,665 9 3	cent., the capital is redeemable at
1832	6,873	5 8 $\frac{1}{2}$	533 2 2	- - -	1,278 11 8	pleasure.— <i>N. B.</i> Sales on quit-
1833	37,278	8 2 $\frac{1}{2}$	3,454 11 6 $\frac{1}{2}$	- - -	12,791 17 5	rent ceased in 1832.
Totals	66,539	- - -	- - -	- - £.	18,576 1 4	

(signed) *William Felton,*
Commissioner of Crown Lands.

LETTER from *J. Coleborne, Esq.* to the Right Honourable *T. Spring Rice.*

Sir, Toronto, 11 December 1834.

WITH reference to your despatch of the 17th of August, stating that the Returns made by the Commissioner of Crown Lands to the Address of the House of Commons, dated the 22d of May 1833, have not met the object in view, and conveying instructions for his future guidance, I have the honour to forward the accompanying Returns, carefully prepared under his inspection, according to the Form transmitted in your despatch, with such observations as it occurred to him to make relative to the information which he has been obliged to procure from other departments.

I have, &c.

(signed) *J. Coleborne.*

LETTER from *Peter Robinson, Esq.* to Colonel *Rowan*, Civil Secretary.

Sir, Commissioner of Crown Lands Office,
Toronto, 6 December 1834.

IN compliance with his Excellency's commands conveyed in your letter of the 12th November last, I beg leave to transmit a Return of Crown Lands and Clergy Reserves sold since my appointment to office in 1827.

Antecedently to this period, my office affords me no information, since this department was only then created.

The Secretary of State is correct in supposing that the furnishing from time to time similar Returns to those now inclosed, will be attended with little trouble. In the abstract form in which they are required, they differ little from the Return furnished by me in May last in respect to the Clergy Reserves, and the records in my office afford me the means of furnishing such information at any time in a few hours.

The sale of town lots, water lots and park lots, does not seem to me proper to be included in the General Return of Lands Sold, on account of the disproportionate effect, which the comparatively large sums paid for these small tracts would have on the average price. I have, therefore, treated these as sales of a distinct class, and have inclosed a separate Return of them.

Y^{rs}.

To

4 PAPERS RELATING TO CANADA CROWN LANDS,

To make the information complete, I have found it necessary to transmit also a separate Return of Grants made to Naval and Military Officers, under peculiar regulations, which allow certain sums, in proportion to their rank and length of service, to be credited to them respectively on account of the lands bought by them of the Government. The circumstance of the monies bid by them not being in fact paid, prevents such sales from being incorporated in my General Return.

I have the honour also to transmit a Return of Lands Granted (but not sold) by the Government between the years 1823 and 1833 inclusive, furnished to me by the Surveyor-general and Clerk of the Executive Council ; but in reference to this last Return of Grants made under the general regulations, which apply to the Land Granting department, I beg leave respectfully to observe, that it has occurred to me that the call which has been made upon me, by desire of the Secretary of State, to furnish a Return of these grants, has probably been founded on the supposition that my department participated in the duty of preparing them. But his Excellency the Lieutenant-governor is aware that this is by no means the case. As Commissioner for Crown Lands, I have no connexion with grants of those descriptions which were made before the system of selling was adopted, and which grants, since the establishment of this department, continue to be made as before, through the intervention of the Governor and Council, the Surveyor-general, Attorney-general, Auditor-general, Secretary and Registrar.

His Excellency will of course understand that it is not for the sake of avoiding in future the mere trouble of calling upon others for Returns which cannot proceed from my own department, that I trouble his Excellency with this statement. On the contrary, if, for any important reason it should be thought desirable that I should be employed in future in procuring these Returns, I will not fail to attend to it as I have done on this occasion, but I should much prefer that the two departments of land granting were kept as distinct in regard to these Returns, as they are in fact, in regard to their respective duties, since I am naturally anxious not to be made responsible either for the punctuality or correctness of Returns relating to transactions and offices over which I have no control.

I beg leave to add, in reference to the Returns transmitted, that, although in the three-quarters of the year ending in 1828, during which the office of Commissioner of Crown Lands had been opened, no sales were effected, except of two town lots, still a considerable expense was necessarily incurred in the employment of surveyors to obtain information, and to make the necessary arrangements prior to the commencement of the sales ; and to meet these expenses before funds became available, an advance was made of 500*l.* sterling by the Receiver-general, since returned, as will appear by my accounts.

I have, &c.
(signed) Peter Robinson.

UPPER CANADA.

RETURN of CROWN LANDS Sold and Granted in each Year, from 31st December 1823 to 31st December 1833 inclusive.

YEAR.	Number of Acres Sold.	Average Price per Acre.	Amount of Purchase-money received within first Year.	Whole Amount of Purchase-money.	Number of Years within which the whole Amount of the Purchase-money is to be paid.
		<i>s.</i> <i>d.</i>	<i>£.</i> <i>s.</i> <i>d.</i>	<i>£.</i> <i>s.</i> <i>d.</i>	
1829	3,883	15 1 ³ / ₄	760 6 10	2,940 17 3	- - Three.
1830	6,135 ³ / ₄	13 8 ¹ / ₂	1,350 16 6	4,209 3 -	—
1831	4,357	11 3 ¹ / ₂	1,626 15 - ¹ / ₂	2,458 1 8	—
1832	10,323	9 1 ¹ / ₂	2,503 3 5 ³ / ₄	4,711 2 9	—
1833	26,376	8 9 ¹ / ₂	5,660 8 3	11,578 19 3	—
Totals	51,074 ¹ / ₄	- -	- - - <i>£.</i>	25,898 3 11	

REMARKS :—This Return is carried back to the year 1823, in conformity with the call for information transmitted by the Secretary of State ; but the office of Commissioner for Crown Lands was first established in 1828, and no Monies were received on Sales, except for two Water Lots, till the Year 1829.

The Sales of Town Lots, Park Lots and Water Lots are accounted for in a separate Return below.

Interest received in 1833, 77*l.* 10*s.* 5 ¹/₂*d.* currency ; before which period the Sales were directed to be made without exacting Interest on Instalments.

RETURN

AND CANADA LAND AND TIMBER FUNDS.

5

RETURN of TOWN and PARK Lots Sold in each Year, from 31st December 1827 to 31st December 1833 inclusive.

YEAR.	Number of Acres Sold.	Average Price per Lot.	Amount of Purchase-money received within first Year.	Whole Amount of Purchase-money.	Number of Years within which the whole Amount of the Purchase-money is to be paid
		£. s. d.	£. s. d.	£. s. d.	
1828	2	126 - -	63 - -	252 - -	- - Three.
1829	-	- - -	63 - -	- - -	- - -
1830	19	10 10 6½	55 - -	200 - -	- - -
1831	3	8 7 6½	95 12 8	25 2 8	- - -
1832	30	15 18 6	81 18 9	327 15 -	- - -
1833	114	14 13 9	634 8 6	1,674 9 -	- - -
Totals	168	- - -	- - - £.	2,479 6 8	

REMARKS:—None sold in the Year 1829. The 63*l.* currency was paid as Instalments on the Lots sold the preceding Year.—Interest received in the Year 1833, 7*l.* 16*s.* 5½*d.* currency.

RETURN of CROWN LANDS Granted in each Year from 31st December 1833 to 31st December 1833 inclusive.

YEAR.	Number of Acres granted to U. E. Loyalists.	Number of Acres granted to Militia Claimants.	Number of Acres granted to discharged Soldiers and Pensioners.	Number of Acres granted to Officers.	Number of Acres not coming within any of the previous Descriptions.	Conditions on which the Majority of the Grants were made.	Total Number of Acres granted.
1824	30,200	11,800	5,800	5,500	134,500	Actual Settlement.	187,800
1825	45,000	20,300	5,700	8,100	149,060	- ditto -	228,160
1826	24,800	16,600	3,100	4,700	19,390	- ditto -	68,590
1827	20,200	10,900	4,200	7,200	33,600	- ditto -	76,100
1828	30,800	10,800	900	3,000	4,304	- ditto -	49,804
1829	22,600	5,300	7,500	8,400	3,230	- ditto -	47,030
1830	27,400	6,400	12,500	12,600	9,336	- ditto -	68,236
1831	34,200	5,500	58,400	7,200	8,000	- ditto -	113,300
1832	62,600	19,300	97,800	7,600	6,100	- ditto -	193,400
1833	135,600	35,200	46,000	- -	9,100	- ditto -	225,900
Totals	433,400	142,100	241,900	64,300	376,620	- - -	1,258,320

REMARKS:—This Return is made upon the information given by the Surveyor-general and Clerk of the Executive Council, the office of Commissioner of Crown Lands having no connexion with Grants of such descriptions.

RETURN of CLERGY RESERVES Sold in each Year since the Sales commenced under the Act 7 Geo. 4, c. 72.

YEAR.	Number of Acres Sold.	Average Price per Acre.	Amount of Purchase-money received within first Year.	Whole Amount of Purchase-money.	Number of Years within which the whole Amount of the Purchase-money is to be paid.
		s. d.	£. s. d.	£. s. d.	
1829	18,014	14 8½	2,464 14 -	13,229 - -	- - Nine.
1830	34,705 ½	13 6	6,153 5 9½	23,452 4 -	- - -
1831	28,563 ¼	12 1 ¾	8,010 2 11	17,362 12 1 ½	- - -
1832	48,484 ¾	13 3 ¾	10,239 9 7 ½	32,287 19 -	- - -
1833	62,282 ¼	14 4 ½	14,080 16 8 ½	44,747 19 9	- - -
Totals	192,049 ¾	- - -	- - - £.	131,079 14 10 ½	

REMARKS:—In addition to the Purchase-money stated in this Return to have been received, Interest has also been paid with each Instalment; a statement of which is as follows:

Interest received in 1829	-	-	-	-	£. 1 7 3 currency.
Ditto in 1830	-	-	-	-	62 16 1 ½
Ditto in 1831	-	-	-	-	259 14 9 ½
Ditto in 1832	-	-	-	-	473 17 2
Ditto in 1833	-	-	-	-	854 4 3 ½

Commissioner of Crown Lands Office, }
Toronto, 6 December 1834.

(signed) Peter Robinson.

12.

6 PAPERS RELATING TO CANADA CROWN LANDS,

UPPER CANADA.

RETURN of the Names of OFFICERS of the ARMY and NAVY who have received Orders for Land, under the System of allowing them a Remission on the Purchase-money, in proportion to their Rank and Services.

NAME.	RANK.	Period of Service.	When Granted.	Number of Acres Granted.
Ogden Creighton - - -	Captain - - -	not mentioned	1831 -	1,047
Arthur Jones - - -	Lieutenant - - -	- ditto -	- -	500
George Jackson - - -	Ditto - - -	- ditto -	- -	500
George A. Hill - - -	Ditto - - -	- ditto -	- -	508
Francis K. Tincombe - - -	Ditto - - -	- ditto -	- -	1,098
Edward F. Davis - - -	Captain - - -	- ditto -	- -	1,230
Arthur Carthew - - -	Lieutenant - - -	- ditto -	- -	1,150
Robert Melville - - -	Captain - - -	- ditto -	- -	700
Malcolm Ross - - -	Ditto - - -	20 years -	- -	1,230
James Adam - - -	Lieutenant - - -	34 -	- -	1,250
Charles Stanley Monck - - -	Ditto - - -	20 -	- -	1,360
Allan M'Lean - - -	Captain - - -	21 -	- -	558
Edward O'Brien - - -	Lieutenant - - -	15 -	- -	885
Simon Fraser - - -	Ditto - - -	3 -	- -	-
William Wade Lesslie - - -	Ensign - - -	18 -	- -	407
Francis Dempsey - - -	Lieutenant - - -	18 -	1832 -	200
Robert Oliver - - -	Commander, R. N. -	33 -	- -	1,000
William Milne - - -	Lieutenant, ditto -	24 -	- -	372
George Lamprey - - -	Captain - - -	not mentioned	- -	800
Richard Noble Starr - - -	Assistant-Surgeon -	20 years -	- -	-
James Muttlebury - - -	Inspector of Hospitals	35 -	- -	693
David Calder - - -	Lieutenant - - -	20 -	- -	-
Edward Hardy Adams - - -	Ditto - - -	23 -	- -	350
Alexander Lockhart Wilson -	Ditto - - -	34 -	- -	354 $\frac{1}{2}$
Edward Chichester Bolton -	Ditto - - -	23 -	- -	346
Paul Hughes - - -	Ensign - - -	7 -	- -	200
Frederick Somers - - -	Lieutenant - - -	18 -	- -	234
Robert O'Brien - - -	Post Captain - - -	43 -	- -	in part 100
George Wilson - - -	Lieutenant, R. N. -	20 -	- -	923
Elmes Steele - - -	Ditto - - -	27 -	- -	930
James Barwick - - -	Major - - -	31 -	- -	693
John Thompson - - -	Purser, R. N. -	28 -	- -	914
John Carruthers - - -	Cornet - - -	31 -	- -	344
Thomas Radcliff - - -	Lieutenant - - -	20 -	- -	346
John Carthew - - -	Lieutenant, R. N. -	27 -	- -	890
Thomas Reid - - -	Cornet - - -	30 -	- -	-
Richard Emeric Vidal - - -	Commander, R. N. -	33 -	- -	764
Robert Pegley - - -	Quarter-master -	12 -	- -	-
Andrew Drew - - -	Commander - - -	26 -	- -	680
James William Taylor - - -	Lieutenant - - -	12 -	- -	462
John Phillpott Curran - - -	Ditto - - -	20 -	- -	346
John Evans - - -	Ensign - - -	4 -	- -	-
Arthur William Freear - - -	Lieutenant - - -	23 -	- -	200
Thomas Thompson - - -	Adjutant - - -	3 -	- -	200
Thomas Henry Hussey - - -	Clerk, R. N. - - -	5 -	- -	-
John Mahon - - -	Lieutenant - - -	28 -	- -	346
Robert Anderson - - -	Ensign - - -	5 -	- -	500
Leonard Fleming Smith - - -	Lieutenant - - -	20 -	- -	700
Philip Graham - - -	Commander - - -	29 -	- -	570
Edward Powell - - -	Captain - - -	20 -	- -	465
William Kirsopp - - -	Lieutenant - - -	21 -	- -	700
John W. D. Moodie - - -	Ditto - - -	7 -	- -	-
Richard C. Ross - - -	Ditto - - -	44 -	- -	-
Edward Buller - - -	Ditto - - -	14 -	- -	350
Richard Hicks - - -	Ditto - - -	25 -	- -	692
Rowland Hill Allison - - -	Ensign - - -	2 $\frac{1}{2}$ -	- -	233
Carried forward - -				29,320 $\frac{1}{2}$

AND CANADA LAND AND TIMBER FUNDS.

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N A M E.	R A N K.	Period of Service.	When Granted.	Number of Acres Granted.
		Brought over	- - -	29,320 $\frac{1}{2}$
Robert Johnson - - -	Captain - - -	35 years -	1832 -	462
Simon Purdon - - -	Lieutenant - - -	20 -	1833 -	325
John C. Green - - -	Depty-assist' C ^y Gen ^l -	20 -	- - -	346
Tannatt H. Thompson - - -	Assist' C ^y Gen ^l -	20 -	- - -	149
Alexander Grant - - -	Lieutenant - - -	7 -	- - -	461 $\frac{1}{2}$
Ingram Pank Taylor - - -	Ditto - - -	27 -	- - -	346
Abraham Inglis - - -	Ditto - - -	7 -	- - -	200
William Elliott Wright - - -	Commander - - -	34 -	- - -	521
John M ^c William - - -	Ensign - - -	22 -	- - -	300
William Randolph Hopkins - - -	Lieutenant - - -	24 -	- - -	700
William Critchell - - -	Lieutenant, R. N. -	23 -	- - -	-
George Truscott - - -	Commander - - -	40 -	- - -	461
Edward Davidson - - -	Lieutenant - - -	20 -	- - -	-
Arthur Bowen - - -	Major - - -	33 -	- - -	-
Shepherd M ^c Cormick - - -	Lieutenant, R. N. -	29 -	- - -	200
James Scobies' family - - -	Captain - - -	21 -	- - -	923
George Hyde - - -	Lieutenant - - -	28 -	- - -	462
George William Harris - - -	2nd Lieut' R ^l Marines -	19 -	- - -	-
Thomas Traill - - -	Lieutenant - - -	19 -	- - -	460
Alexander T. E. Vidal - - -	Captain, R. N. -	30 -	- - -	600
James Gibson - - -	Lieutenant - - -	22 -	- - -	923
John Hay - - -	Lieutenant, R. N. -	14 -	- - -	346
Philip Delatre - - -	Lieutenant-colonel -	37 -	- - -	-
James Harper - - -	Lieutenant, R. N. -	28 -	- - -	-
James Gardiner - - -	Cornet - - -	17 -	- - -	699
John Radcliffe - - -	Lieutenant, R. N. -	26 -	- - -	-
John Tice - - -	Lieutenant - - -	20 -	- - -	-
Charles M ^c Donald - - -	Captain - - -	25 -	- - -	300
John Joseph Winkler - - -	Major - - -	35 -	- - -	-
Sephos Goode - - -	Lieutenant, R. N. -	26 -	- - -	900
James Geddes - - -	Assist' Staff Surgeon -	34 -	- - -	-
William Logie - - -	Major - - -	28 -	- - -	1,184
Andrew M. J. Durnford - - -	Lieutenant - - -	21 -	- - -	280
John Moberly - - -	Captain, R. N. -	32 -	- - -	1,400
Francis Wright - - -	Captain - - -	33 -	- - -	285
Henry Duffield - - -	Lieutenant - - -	30 -	- - -	-
James Mason - - -	Ditto - - -	24 -	- - -	275
Total Acres - - -				42,829

Memorandum.—In the column of Number of Acres Granted, a blank is left opposite the respective officers, to whom lands have not as yet been assigned.

Commissioner of Crown Lands Office, }
Toronto, 9 December 1834. }

(signed) *Peter Robinson.*

No. 2.
CANADA LAND AND TIMBER FUNDS.

LOWER CANADA.

LETTER from *Lord Aylmer* to the Secretary of State for the Colonial Department, &c. &c. &c.

Sir, Castle of St. Lewis, Quebec, 22 Jan. 1835.

WITH reference to Mr. Spring Rice's despatch of the 16th August 1834, I have the honour of transmitting herewith a Statement in Detail of the Receipts and Expenditure of the Land and Timber Funds in the Province, for each of the years 1830, 1831 and 1832, which I trust will enable you to comply with the Address of the House of Commons inclosed in that despatch.

I have, &c.
(signed) *Aylmer.*

STATEMENT of RECEIPTS on Account of the LAND and TIMBER FUNDS in the Years 1830, 1831, 1832, the whole having been included in the Accounts rendered by *John Hale*, Esq., Receiver-general of *Lower Canada*, to the Lords Commissioners of His Majesty's Treasury.

DATE.	Received from—						Currency.		
							£.	s.	d.
12 October 1829	John Davidson	-	-	-	-	Timber	300	-	-
20 November -	Ditto	-	-	-	-	ditto	366	13	-
28 -	Ditto	-	-	-	-	ditto	200	-	-
28 December -	Ditto	-	-	-	-	ditto	100	-	-
31 -	W. B. Felton	-	-	-	-	Land	1,300	-	-
5 January 1830	John Davidson	-	-	-	-	Timber	164	2	8
29 March -	W. B. Felton	-	-	-	-	Land	{ £. 300 } 6		
	Ditto by hands of W. Marshall	-	-	-	-				
12 April -	John Davidson	-	-	-	-	Timber	46	2	9
28 -	Ditto	-	-	-	-	ditto	72	12	1
22 July -	W. B. Felton	-	-	-	-	Land	520	-	-
19 November -	John Davidson	-	-	-	-	Timber	1,110	5	4
20 -	W. B. Felton	-	-	-	-	Land	500	-	-
24 -	John Davidson	-	-	-	-	Timber	182	9	4
4 December -	Ditto	-	-	-	-	ditto	674	15	10
11 January 1831	W. B. Felton	-	-	-	-	Land	1,200	-	-
4 April -	Ditto	-	-	-	-	ditto	300	-	-
5 -	- - J. T. Taschereau, to cover Warrant paid to him on 22d February 1831						27	15	6
13 June -	John Davidson	-	-	-	-	Timber	418	7	9
16 July -	W. B. Felton	-	-	-	-	Land	300	-	-
7 November -	Ditto	-	-	-	-	Timber	1,714	16	9
10 January 1832	Ditto	-	-	-	-	Land	2,000	-	-
25 February -	Ditto	-	-	-	-	Timber	1,079	-	-
6 April -	Ditto	-	-	-	-	Land	300	-	-
27 June -	John Davidson	-	-	-	-	Timber	499	18	3
24 July -	W. B. Felton	-	-	-	-	Land	500	-	-
9 October -	Ditto	-	-	-	-	Timber	228	-	-
TOTAL RECEIPTS in the Years 1830, 1831, 1832							{ Currency - £. 14,410 19 7 or Sterling - £. 12,969 17 7½		

RECAPITULATION.

Receipts in the Year ended		£.	s.	d.			£.	s.	d.
10th October 1830	-	3,375	10	10	currency	-	3,037	19	9
-	1831	4,713	13	9	-	-	4,242	6	4½
-	1832	6,321	15	-	-	-	5,689	11	6
TOTAL, as above, sterling							£. 12,969 17 7½		

(signed) *J. Hale,*
Receiver-general, Lower Canada.

AND CANADA LAND AND TIMBER FUNDS.

9

STATEMENT of the EXPENDITURE of the LAND and TIMBER FUNDS in the Years 1830, 1831 and 1832; the whole having been included in the Accounts rendered by *John Hale*, Esquire, Receiver-general of *Lower Canada*, to the Lords Commissioners of His Majesty's Treasury.

Date of Payment.	SERVICE.	Amount Sterling.	Annual Amount.
Oct. 20, 1829	-- A. C. Buchanan, for the conveyance of letters and despatches from New York - - - -	£. s. d. 22 10 -	£. s. d.
- 22 -	-- Jane Livingston, her pension from 1st January to 30th June 1829 - - - -	25 - -	
Nov. 2 -	-- A. C. Buchanan, his salary as Emigrant Agent, from 30th June 1829 - - - -	150 - -	
- 5 -	-- Peter Robinson, to improve the timber navigation of the Ottawa River - - - -	142 2 2	
- - -	-- A. W. Cochran, his salary as Commissioner of the Court of Escheats, from 1st Jan. to 30th June 1829 - - - -	225 - -	
Dec. 23 -	-- T. A. Staynor, for the conveyance of public despatches from New York - - - -	22 10 -	
Jan. 8, 1830	-- A. W. Cochran, his salary as Commissioner of the Court of Escheats, from 1st July to 31st Dec. 1829 - - - -	225 - -	
- 9 -	-- John Davidson, his salary as Surveyor-general of Woods and Forests, to 31st December 1829, for 12 months - - - -	500 - -	
- 11 -	-- W. B. Felton, his salary as Commissioner for Crown Lands, to 27th December 1829, for 12 months - - - -	500 - -	
- 15 -	-- Adelaide de Salaberry, her pension from 1st January to 30th June 1829 - - - -	25 - -	
- - -	-- Amelia de Salaberry, her ditto from ditto to ditto - - - -	25 - -	
- 22 -	-- A. C. Buchanan, his salary as Emigrant Agent, from 1st July to 31st December 1829 - - - -	150 - -	
Feb. 8 -	-- Samuel Gale, on account of the monies directed to be paid to him, pursuant to a despatch from the Secretary of State - - - -	150 - -	
- - -	-- Samuel Gale, on account of the monies directed to be paid to him, pursuant to a despatch from the Secretary of State - - - -	150 - -	
- - -	-- Ditto, on account of a sum ordered to be paid to him by a despatch from ditto - - - -	300 - -	
- 25 -	-- A. C. Buchanan, for printing connected with the Emigrant Agent's office during the year 1829 - - - -	18 8 3	
April 22 -	-- Jane Livingston, her pension from 1st July to 31st December 1829 - - - -	25 - -	
May 1 -	-- A. C. Buchanan, for office rent as Emigrant Agent, from 1st May 1829 to 30th April 1830 - - - -	27 - -	
- 12 -	-- Adelaide de Salaberry, her pension from 1st July to 31st December 1829 - - - -	25 - -	
- - -	-- Amelia de Salaberry, her ditto from ditto to ditto - - - -	25 - -	
- 27 -	-- L. Legendre, on account of a survey of land near Three Rivers - - - -	27 - -	
June 7 -	-- Joseph Bouchette, on ditto for verifying a survey near ditto - - - -	4 10 -	
- 28 -	-- W. B. Felton, for the re-survey of the townships of Stoneham and Tewkesbury - - - -	35 2 3	
July 19 -	-- Ditto, balance of his account for making two roads in Inverness - - - -	34 18 3	
- - -	-- Ditto, per-centage on 1,000 <i>l.</i> sterling, arising from the sale of Crown Lands to the 27th Dec. 1829 - - - -	50 - -	
Aug. 2 -	-- A. W. Cochran, his salary as Commissioner of the Court of Escheats, from 1st January to 30th June 1830 - - - -	225 - -	
- - -	-- A. C. Buchanan, his ditto as Emigrant Agent, from ditto to ditto - - - -	150 - -	
- 16 -	B. Ecuyer, on account of a survey in Inverness - - - -	23 8 -	
- 31 -	L. Legendre, on ditto of a ditto near Three Rivers - - - -	105 4 8	
Sept. 8 -	-- Ditto, balance of his account for a survey near Three Rivers - - - -	11 17 4	
- 23 -	B. Ecuyer, ditto of his ditto for a ditto in Inverness - - - -	49 1 4	
- 29 -	-- Jane Livingston, her pension from 1st January to 31st March 1830 - - - -	12 10 -	
	TOTAL Payments in the Year ended 10th Oct. 1830		3461 2 3
Oct. 13 -	-- Samuel Gale, on account of the monies directed to be paid to him in a despatch from the Secretary of State - - - -	400 - -	

Date of Payment.	SERVICE.	Amount Sterling.	Annual Amount.
Oct. 14, 1830	-- Joseph Bouchette, balance of his account for verifying a survey near Three Rivers - - - -	£. s. d. 2 14 -	£. s. d.
Nov. 23 --	-- William Ware, for surveying Crown Reserves in the townships of Hemmingford - - - -	41 6 3	
- 24 --	-- John Davidson, for contingencies and commission in 1828, as Surveyor-general of Woods and Forests -	170 14 5	
- - --	Ditto, for ditto and ditto, for the year 1829 - -	147 13 7	
Dec. 6 --	-- Adelaide de Salaberry, her pension, from 1st January to 31st December 1830 - - - -	50 - -	
- - --	-- Amelia de Salaberry, her ditto, from 1st April to ditto - - - -	50 - -	
- 11 --	Jane Livingston, her ditto, from ditto to ditto -	37 10 -	
- 30 --	-- John Davidson, due to him on the revenues arising from the sale of licences to cut timber, for the year 1830 - - - -	500 - -	
Jan. 15, 1831	-- W. B. Felton, his salary and commission as Commissioner for Crown Lands, from 27th December 1829 to 31st December 1830 - - - -	641 2 1	
- - --	-- A. C. Buchanan, his ditto as Emigrant Agent, from 1st July to ditto - - - -	150 - -	
Feb. 22 --	-- J. T. Taschereau, on account of his Circuit allowance in attending the term at Three Rivers in January 1831 - - - -	25 - -	
- 26 --	-- Charles Ogden, amount of his account as Solicitor-general, for services in the recovery of rents, &c. -	18 17 9	
Mar. 5 --	-- J. S. Buchanan, jun., for conveying despatches from New York, and for returning - - - -	18 - -	
- 12 --	-- A. W. Cochran, his salary as Commissioner of Escheats, from 1st July to 31st December 1830 -	225 - -	
April 14 --	-- W. B. Felton, for opening roads in the townships of Leeds and Inverness - - - -	63 19 11	
- 19 --	-- J. S. Buchanan, balance of his expences for twice conveying despatches from New York, and for returning - - - -	72 - -	
May 5 --	-- A. C. Buchanan, for office-rent as Emigrant Agent, from 1st May 1830 to 30th April 1831 - - - -	27 - -	
July 8 --	-- Jane Livingston, her pension from 1st January to 30th June 1831 - - - -	25 - -	
- 9 --	-- A. C. Buchanan, his salary as Emigrant Agent, from ditto to ditto - - - -	150 - -	
- 11 --	Amelia de Salaberry, her pension from ditto to ditto -	25 - -	
- 12 --	Adelaide de Salaberry, her ditto from ditto to ditto -	25 - -	
- - --	-- Messrs. Fisher and Kemble, for printing for the Emigrant Agent, between May and August 1830 -	12 15 11	
- 16 --	-- A. W. Cochran, his salary as Commissioner of Escheats, from 1st January to 30th June 1831 -	225 - -	
Oct. 8 --	-- John Davidson, on account of his employment as Mr. Felton's assistant, at 250 £. per annum - -	125 - -	
	TOTAL Payments in the Year ended 11th Oct. 1831		3,228 13 11
- 29 --	-- A. C. Buchanan, for the payment of a clerk as Emigration Agent for the present year - - - -	40 - -	
Nov. 14 --	-- W. Macdonald, for surveying Crown Lands on the north of River du Loup - - - -	18 14 5	
Dec. 13 --	-- A. C. Buchanan, for six months' office-rent as Emigrant Agent, to 31st October 1831 - - - -	13 10 -	
- 26 --	-- W. B. Felton, for opening roads in Leeds, Inverness, Ireland and Halifax, in 1831 - - - -	156 2 8	
- 30 --	-- A. C. Buchanan, his salary as Emigrant Agent, from 1st July to 31st December 1831 - - - -	150 - -	
Jan. 18, 1832	-- W. B. Felton, his salary and per-centage as Commissioner of Crown Lands, from 1st January to 31st December 1831 - - - -	764 3 4	
- - --	-- Ditto, for patent fees on sales to purchasers exempted from fees - - - -	9 - -	
- 19 --	-- Jane Livingston, her pension from 1st July to 31st December 1831 - - - -	25 - -	
- 21 --	Adelaide de Salaberry, her ditto from ditto to ditto -	25 - -	
- - --	Amelia de Salaberry, her ditto from ditto to ditto -	25 - -	
- 26 --	-- Lieut.-col. Craig, for the expenses of conveying despatches from New York to Montreal - - - -	38 7 3	
- 30 --	-- A. W. Cochran, his salary as Commissioner of Escheats, from 1st July to 31st December 1831 -	225 - -	
Feb. 23 --	-- John Davidson, his allowance as assistant to the Commissioner of Crown Lands, from 1st July to 31st December 1830 - - - -	125 - -	

AND CANADA LAND AND TIMBER FUNDS.

11

Date of Payment.	SERVICE	Amount Sterling.	Annual Amount.
		£. s. d.	£. s. d.
Feb. 23, 1832	-- John Davidson, his allowance as assistant to the Commissioner of Crown Lands, from 1st July to 31st December 1831 - - - - -	125 - -	
Mar. 6 --	-- William Macdonald, for surveying the township of Carleton, in October last - - - - -	18 18 6	
- 10 --	Ditto, for ditto, the ditto, of Bonaventure - - - - -	71 11 10	
- - --	-- Frederick Wyss, an advance for the survey of Seigniory of Mille Vaches - - - - -	31 10 -	
- 12 --	-- Thomas Cary and Co., for printing, &c. furnished the Emigrant Agent in the year 1831 - - - - -	11 15 10	
- 19 --	-- T. H. Thomson, his salary as Clerk of the Court of Escheats, from 1st August to 31st Dec. 1831 - - - - -	56 5 -	
- 23 --	-- A. Larul, to enable him to proceed to survey the township of Woodbridge - - - - -	27 - -	
- 27 --	-- Neilson and Cowan, for printing, &c. furnished the Emigrant Agent in 1831 - - - - -	2 5 -	
April 4 --	-- Robert Smith, on account, for exploring Crown Lands in the rear of Dechambault - - - - -	13 10 -	
May 19 --	Ditto, balance for ditto - ditto - ditto - ditto - - - - -	18 13 1	
June 9 --	W. Taylor, for exploring the township of Rawdon - - - - -	8 13 3	
- 29 --	-- Joseph Hamel, on account, for surveying the townships of Bristol and Lichfield - - - - -	67 10 -	
July 6 --	-- A. C. Buchanan, six months' salary as Emigrant Agent, to the 30th June 1832 - - - - -	200 - -	
- 12 --	-- Jane Livingston, her six months' pension up to 30th June 1832 - - - - -	25 - -	
- 16 --	Adelaide de Salaberry, her ditto - ditto to ditto - - - - -	25 - -	
- - --	Amelia de Salaberry, her ditto - ditto to ditto - - - - -	25 - -	
- 17 --	-- A. C. Buchanan, for contingencies for six months, ending 30th June 1832 - - - - -	136 11 9	
- 18 --	-- A. W. Cochran, his salary as Commissioner of Escheats, from 1st January to 30th June 1832 - - - - -	225 - -	
- 21 --	-- T. H. Thomson, his ditto as Clerk of the Court of Escheats, from ditto to ditto - - - - -	67 10 -	
Aug. 3 --	-- B. Ecuyer, on account, for the Survey of the township of Wolton - - - - -	22 10 -	
Sept. 4 --	-- A. Larul, balance for surveying the township of Woodbridge - - - - -	79 1 2	
- 5 --	-- A. C. Buchanan, for disbursements as Emigrant Agent in 1831 - - - - -	77 1 2	
Oct. 9 --	-- W. B. Felton, for the survey of the township of Clarendon, by James Prendergast - - - - -	205 4 -	
	TOTAL Payments in the Year ended 10th Oct. 1832		3,155 17 1
	TOTAL Payments in the Years 1830, 1831 and 1832 - - - - - £.	9,845 13 3	

RECAPITULATION.

	£. s. d.
Total Payments in the Year ended 10th October 1830 - - -	3,461 2 3
Ditto - - ditto - - ditto - - ditto - 1831 - - -	3,228 13 11
Ditto - - ditto - - ditto - - ditto - 1832 - - -	3,155 17 1
GRAND TOTAL as above, sterling - - £.	9,845 13 3

(signed) J. Hale,
Receiver-general, Lower Canada.

UPPER CANADA.

LETTER from *J. Colborne, Esq.* to the Right Honourable *Thomas Spring Rice,*
&c. &c. &c.

Sir, Toronto, Upper Canada, 10 Dec. 1834.

Nos. 1 to 9.

WITH reference to your despatch of the 16th of August, transmitting a copy of an Address from The House of Commons, I have the honour to forward the Returns in Detail of the Receipts and Expenditure of the Land and Timber Funds, containing all the information which the Commissioner of Crown Lands is able to afford from his books and official transactions with subordinate accountants, before the monies which he collects are lodged with the Receiver-general, to be credited in his Public Accounts of the Casual and Territorial Revenue.

It may, however, be necessary to observe that the whole amount of the proceeds of the sales of land effected by the Commissioner of Crown Lands, and of the timber licences, appears in the half-yearly statements of the disbursements and receipts of the casual and territorial revenue, and that the proceeds arising from land and timber are not set apart to be applied to any particular purposes, or to form a separate fund.

Nos. 10, 11, 12.

The Receiver-general has been directed to prepare the annexed Statements of the Casual and Territorial Revenue, in case they should be required.

I have, &c.
(signed) *J. Colborne.*

LETTER from *Peter Robinson, Esq.,* to Colonel *Rowan,* Civil Secretary.

Sir, Commissioner of Crown Lands Office, Toronto, 6 Dec. 1834.

Nos. 1 to 9.

I HAVE the honour to acknowledge the receipt of your letter of the 13th of November last, calling upon me for a Return in Detail of the Receipts and Expenditure of the Land and Timber Funds in this Province in the year 1830, 1831 and 1832; and in compliance with his Excellency's desire, I now beg leave to transmit copies of the Accounts rendered by me for those periods, which will show the monies received, the deductions for expense of collection, and the net amount paid over by me.

With respect to the expenditure of these branches of revenue, his Excellency is aware that no information respecting it is in my possession, the payments or appropriation being made by His Majesty's Receiver-general, upon such warrants and under such instructions as are communicated to him by the Government.

I have, &c.
(signed) *Peter Robinson.*

No. 1.—GOVERNMENT in Account Current with *Peter Robinson,* Surveyor-general of Woods and Forests, from 1st January to 31st December 1830, inclusive.

PAYMENTS.		Provincial Currency.		
1830:		£.	s.	d.
To Charles Shirreff, Esq., for expenses incurred in collecting the duties on Crown timber at the Chaudiere Falls, Bytown	- - - - -	805	7	3½
- Samuel S. Wilmot, Esq., for expenses incurred in collecting the duties upon Crown timber in the Newcastle and Midland districts	- - - - -	461	16	2
- Duncan M'Donell, Esq., for his salary as collector of dues upon Crown timber	- - - - -	100	-	-
- Alexander M'Donell, Esq., for expenses incurred in seizing Crown timber	- - - - -	224	19	9
- John Stewart, for printing	- - - - -	-	6	8
- Robert Stanton, ditto	- - - - -	-	12	6
- Robert Stanton, ditto	- - - - -	6	12	2
- George Gurnett, ditto	- - - - -	2	10	-
- Cumming and Tomkins, advertizing	- - - - -	-	4	2
- J. S. Howard, postage	- - - - -	4	17	4½
- J. S. Howard, ditto	- - - - -	4	1	7½
- Paid into the hands of the Receiver-general of the province	- - - - -	300	-	-
- Paid into the hands of the Receiver-general of the province	- - - - -	2,300	-	-
- Paid into the hands of the Receiver-general of the province	- - - - -	1,200	-	-
- Rent of an office for one year at	£. 25 - - sterling, p' ann.	-	-	-
- Allowance for a messenger for the same period	25 - - -	-	-	-
- Allowance for fuel for the same period	10 - - -	-	-	-
- Allowance for stationery for the same period	22 10 - -	-	-	-
- Balance in the hands of the Surveyor-general of Woods and Forests, this date	- - - - -	91	13	4
		3,138	3	3½
TOTAL - - - £.		8,641	4	3½

AND CANADA LAND AND TIMBER FUNDS.

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RECEIPTS.		Provincial Currency.		
1830:		£.	s.	d.
BY Balance in the hands of the Surveyor-general of Woods and Forests, to 31st December 1829	- - - - -	969	4	1
- Amount of duties collected at the Chaudiere Falls, Bytown, on timber cut on the waste lands of the Crown, up to 31st December 1830	- - - - -	6,947	18	10 ½
- Amount of duties collected by S. Wilmot, Esq., up to 31st December 1830	- - - - -	506	11	4 ½
- Amount of duties collected by Duncan M'Donell, Esq., up to the 31st December 1830	- - - - -	217	10	-
TOTAL - - - £.		8,641	4	3 ¾

No. 2.—GOVERNMENT in Account Current with *Peter Robinson*, Surveyor-general of Woods and Forests, from 1st January to 31st December 1831, inclusive.

PAYMENTS.		Provincial Currency.		
1831:		£.	s.	d.
TO Charles Shirreff, Esq., for expenses incurred in collecting the duties on Crown timber at the Chaudiere Falls, Bytown	- - - - -	714	6	4
- Samuel S. Wilmot, Esq., for expenses incurred in collecting the duties on Crown timber in the Newcastle and Midland districts	- - - - -	329	17	9
- Duncan M'Donell, Esq., for expenses incurred in collecting the duties on Crown timber in the Eastern and Ottawa districts	- - - - -	243	-	-
- F. H. Cumming, for printing	- - - - -	1	2	-
- Robert Stanton, for ditto	- - - - -	2	14	8
- J. S. Howard, for postage	- - - - -	3	19	9
- J. S. Howard, for ditto	- - - - -	4	3	10 ½
- Paid into the hands of the Receiver-general of the province	- - - - -	1,200	-	-
- Paid into the hands of the Receiver-general of the province	- - - - -	5,000	-	-
- Allowance for messenger up to 30 June 1831, at 25 l. sterling per annum 12 l. 10 s. 0 d. sterling	- - - - -	13	17	9 ½
- Balance in the hands of the Surveyor-general of Woods and Forests, this date	- - - - -	5,287	6	3 ¾
TOTAL - - - £.		12,800	8	5 ½

RECEIPTS.		Provincial Currency.		
1831:		£.	s.	d.
BY Balance in the hands of the Surveyor-general of Woods and Forests, the 31st December 1830	- - - - -	3,138	3	3 ½
- Amount of duties collected by Charles Shirreff, Esq., at the Chaudiere Falls, Bytown, on timber cut on the waste lands of the Crown, in the year 1831	- - - - -	7,928	11	9
- Amount of duties collected by Samuel S. Wilmot, Esq., on timber cut on the waste lands of the Crown up to the 31st December 1831	- - - - -	1,243	10	-
- Amount of duties collected by Duncan M'Donell, Esq., on timber cut on the waste lands of the Crown, up to the 31st December 1831	- - - - -	490	3	5
TOTAL - - - £.		12,800	8	5 ½

14 PAPERS RELATING TO CANADA CROWN LANDS,

No. 3.—GOVERNMENT in Account Current with *Peter Robinson*, Surveyor-general of Woods and Forests, from 1 January to 31 December 1832 inclusive.

1832 :		PAYMENTS.			Provincial Currency.		
					£.	s.	d.
TO Charles Shirreff, Esq. for expenses incurred in collecting the duties on Crown Timber at the Chaudiere Falls, Bytown					461	15	10 ½
- Duncan M'Donell, Esq., for expenses incurred in collecting the duties on Crown timber in the Eastern and Ottawa districts					250	-	-
- Samuel S. Wilmot, Esq., for expenses incurred in collecting the duties upon Crown timber in the Newcastle, Midland and Johnstown districts					290	16	-
- David Campbell, Esq., for collecting the duties on Crown timber in the township of Seymour, in the Newcastle district					67	10	-
- Alexander Mathison, to indemnify him as per the Lieutenant-governor's authority					138	15	9
- Robert Stanton, printing					4	14	4
- J. S. Howard, postage					7	9	8
- J. S. Howard ditto					5	7	9 ¾
- Paid into the hands of the Receiver-general of the Province					3,000	-	-
- Balance in the hands of the Surveyor-general of Woods and Forests, this date					7,638	9	4
TOTAL		-			£.	11,864	18 9 ¼

1832 :		RECEIPTS.			Provincial Currency.		
					£.	s.	d.
BY Balance in the hands of the Surveyor-general of Woods and Forests, the 31st December 1831					5,287	6	3 ¾
- Amount of duties collected by Charles Shirreff, Esq., at the Chaudiere Falls, Bytown, on timber cut on the waste lands of the Crown, in the year 1832					4,380	8	11 ½
- Amount of duties collected by Duncan M'Donell, Esq., on timber cut on the waste lands of the Crown, up to the 31st December 1832					572	9	4
- Amount of duties collected by Samuel S. Wilmot, Esq., on timber cut on the waste lands of the Crown up to the 31st December 1832					1,436	9	5 ½
- Amount of duties collected by David Campbell, Esq., on timber cut on the waste lands of the Crown up to the 31st December 1832					188	4	8 ½
TOTAL		-			£.	11,864	18 9 ¼

No. 4.—GOVERNMENT in Account Current with *Peter Robinson*, Commissioner for the Sale and Management of Crown Lands, from the 1st of January to the 30th June 1830 inclusive.

P A Y M E N T S.		Provincial Currency.			Sterling.		
		£.	s.	d.	£.	s.	d.
1830 :							
TO the ordinary and incidental expenses of the Commissioner of Crown Lands office, from 1st January to 30th June 1830 inclusive		-	-	-	91	11	2
- Paid Charles Ranken, Deputy-surveyor, for surveying the town-plot in the upper forks of the River Thames, in the township of Oxford, in the district of London, pursuant to an Order in Council of the 28th February 1829		26	-	-	23	8	-
- Paid into the hands of the Honourable John Henry Dunn, Receiver-general		290	-	9 ½			
- Paid - ditto - ditto		489	19	2 ½	702	-	-
- Balance in the hands of the Commissioner of Crown Lands on the 30th June 1830		-	-	-	154	6	9 ¼
Sterling		-	-	-	£.	971	5 11 ¼

R E C E I P T S.		Provincial Currency.			Sterling.		
		£.	s.	d.	£.	s.	d.
1830 :							
BY Balance in the hands of the Commissioner of Crown Lands on the 31st December 1829		-	-	-	274	-	- ¾
- Rents received on Crown Reserves		290	-	9 ½			
- Instalments on Crown Lands		514	14	7 ½	724	5	10 ½
Sterling		-	-	-	£.	971	5 11 ¼

AND CANADA LAND AND TIMBER FUNDS.

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No. 5.—GOVERNMENT in Account Current with *Peter Robinson*, Commissioner for the Sale and Management of Crown Lands, from 1st July to 31st December 1830, inclusive.

PAYMENTS.	Provincial Currency.	Sterling.
1830 :	£. s. d.	£. s. d.
TO Charles Rubidge, for inspecting - - - - -	43 2 6	
- Samuel S. Wilmot, for ditto - - - - -	11 7 6	
- Francis Collins, for printing - - - - -	1 4 8	
- George Gurnet, ditto - - - - -	2 7 6	
- George Gurnet, ditto - - - - -	1 17 4	
- Thomas Tomkins, ditto - - - - -	1 5 6	
- F. H. Cumming, ditto - - - - -	1 11 5	
- Robert Stanton, ditto - - - - -	3 3 6	
- John Carey - ditto - - - - -	2 16 -	
- George Gurnett, ditto - - - - -	8 4 1	
- J. S. Howard, postage - - - - -	4 1 7 $\frac{1}{4}$	
- Thomas Baines, as clerk - - - - -	75 - -	
- Paid into the hands of the Hon. John Henry Dunn, Receiver-general - - - - -	600 - -	
- Paid into the hands of the Hon. John Henry Dunn, Receiver-general - - - - -	200 - -	
Balance in the hands of the Commissioner for Crown Lands, the 31st December 1830 - - - - -	- - -	860 9 5 $\frac{1}{2}$
TOTAL - - - £.		1,049 9 5 $\frac{1}{2}$

RECEIPTS.	Provincial Currency.	Sterling.
1830 :	£. s. d.	£. s. d.
BY Balance in the hands of the Commissioner for Crown Lands, 30th June 1830 - - - - -	- - -	154 6 9 $\frac{1}{4}$
- Rents received on Crown Reserves - - - - -	103 10 -	
- Instalments received on Crown Lands - - - - -	891 1 10 $\frac{1}{2}$	
TOTAL - - - £.		895 2 8 $\frac{1}{4}$
		1,049 9 5 $\frac{1}{2}$

No. 6.—GOVERNMENT in Account Current with *Peter Robinson*, Commissioner for the Sale and Management of Crown Lands, from the 1st January to 30th June 1831, inclusive.

PAYMENTS.	Provincial Currency.	Sterling.
1831 :	£. s. d.	£. s. d.
TO Samuel S. Wilmot, for inspecting - - - - -	43 17 -	
- John M'Donald, for surveying - - - - -	9 4 7 $\frac{1}{2}$	
- Robert Stanton, for printing - - - - -	5 - 9	
- George Gurnett, ditto - - - - -	1 5 -	
- Robert Stanton, for stationery - - - - -	10 11 -	
- J. S. Howard, for postage - - - - -	3 19 9	
- Thomas Baines, as clerk - - - - -	75 - -	
- Paid into the hands of the Hon. John Henry Duunn, Receiver-general - - - - -	680 - -	
Balance in the hands of the Commissioner for Crown Lands, the 30th June 1831 - - - - -	- - -	746 - 3 $\frac{3}{4}$
		331 1 - $\frac{1}{2}$
TOTAL - - - £.		1,077 1 4 $\frac{1}{4}$

(continued)

16 PAPERS RELATING TO CANADA CROWN LANDS,

RECEIPTS.	Provincial Currency.	Sterling.
1831 :	£. s. d.	£. s. d.
BY Balance in the hands of the Commissioner for Crown Lands, the 31st December 1830 - - - - -	- - -	189 - -
- Rents received on Crown Reserves - - - - -	220 3 6½	
- Instalments received on Crown Lands - - - - -	766 11 3½	
		888 1 4¼
TOTAL - - - £.		1,077 1 4¼

No. 7.—GOVERNMENT in Account Current with *Peter Robinson*, Commissioner for the Sale and Management of Crown Lands, from 1 July to 31 December 1831, inclusive.

PAYMENTS.	Provincial Currency.	Sterling.
1831 :	£. s. d.	£. s. d.
TO J. Nevills, for surveying - - - - -	23 - -	
- Samuel S. Wilmot, for contingencies - - - - -	5 7 6	
- Peter Carroll, for surveying - - - - -	216 5 6	
- Samuel Lount, for inspecting - - - - -	192 13 6	
- The proportion of the expenses incurred in the building and fitting up of the public offices, as authorized by the Lieu- tenant-governor the 19th December 1831 - - - - -	106 10 -	
- Samuel S. Wilmot, for selling Crown Lands - - - - -	27 2 6	
- Thomas Dalton, printing - - - - -	4 12 11	
- George Gurnett, ditto - - - - -	6 2 6	
- Samuel Heron, ditto - - - - -	1 8 4	
- Francis Collins, ditto - - - - -	- 10 6	
- Robert Stanton, ditto - - - - -	5 9 2	
- John M'Closkey, as messenger - - - - -	12 10 -	
- J. S. Howard, for postage - - - - -	4 3 10½	
- Thomas Baines, as clerk - - - - -	75 - -	
- Edward Beeston, ditto - - - - -	12 10 -	
- Paid into the hands of the Hon. John Henry Dunn, Receiver- general - - - - -	83 17 7	
- Paid into the hands of the Hon. John Henry Dunn, Re- ceiver-general - - - - -	450 17 7	
		1,104 9 6
- Balance in the hands of the Commissioner for Crown Lands, the 31st December 1831 - - - - -	- - -	162 6 1½
TOTAL - - - £.		1,266 15 7¾

RECEIPTS.	Provincial Currency.	Sterling.
1831 :	£. s. d.	£. s. d.
By Balance in the hands of the Commissioner of Crown Lands, the 30th June 1831 - - - - -	- - -	331 1 -½
- Rents received on Crown Reserves - - - - -	83 17 7	
- Instalments received on Crown Lands - - - - -	955 16 5	
		935 14 7¼
TOTAL - - - £.		1,266 15 7¾

AND CANADA LAND AND TIMBER FUNDS.

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No. 8.—GOVERNMENT in Account Current with *Peter Robinson*, Commissioner for the Sale and Management of Crown Lands, from 1st January to 30th June 1832, inclusive.

PAYMENTS.	Provincial Currency.	Sterling.
1832:	£. s. d.	£. s. d.
TO H. C. Thomson, for advertising - - - - -	3 14 5	
- Eastwood & Skinner, for stationery - - - - -	2 12 6	
- F. P. Rubidge, for surveying - - - - -	84 14 6	
- William Bull & Co., for printing - - - - -	1 13 9	
- F. H. Cumming - - ditto - - - - -	4 8 -	
- W. L. Mackenzie - ditto - - - - -	3 - 9	
- George Gurnett - ditto - - - - -	5 4 -	
- Thomas Dalton - ditto - - - - -	4 13 6	
- Francis Collins - ditto - - - - -	11 9 4	
- Robert Stanton - ditto - - - - -	15 12 3	
- John Carey - - - ditto - - - - -	7 5 10	
- James Macfarlane - ditto - - - - -	1 11 -	
- Egerton Ryerson - ditto - - - - -	3 5 11	
- James Johnson - - ditto - - - - -	1 1 3	
- Samuel Heron - - ditto - - - - -	4 5 6	
- James M'Gie, for office furniture - - - - -	17 10 -	
- J. S. Howard, for postage - - - - -	7 9 8	
- Thomas Baines, as clerk - - - - -	75 - -	
- Edward Beeston, ditto - - - - -	75 - -	
- John M'Closkey, messenger - - - - -	12 10 -	
- Paid into the hands of the Hon. John Henry Dunn, Receiver-general - - - - -	191 3 8½	
- Paid into the hands of the Hon. John Henry Dunn, Receiver-general - - - - -	1,000 - -	
		1,379 19 3½
- Balance in the hands of the Commissioner for Crown Lands, the 30th June 1832 - - - - -	- - -	74 10 9¼
TOTAL - - - £.		1,454 10 -¾

RECEIPTS.	Provincial Currency.	Sterling.
1832:	£. s. d.	£. s. d.
BY Balance in the hands of the Commissioner for Crown Lands, the 31st December 1831 - - - - -	- - -	162 6 1¾
- Rents received on Crown Reserves - - - - -	191 3 8½	
- Instalments received on Crown Lands - - - - -	1,244 11 9	
		1,292 3 11
TOTAL - - - £.		1,454 10 -¾

No. 9.—GOVERNMENT in Account Current with *Peter Robinson*, Commissioner for the Sale and Management of Crown Lands, from 1st July to 31st December 1832, inclusive.

PAYMENTS.	Provincial Currency.	Sterling.
1832:	£. s. d.	£. s. d.
TO R. D. Chatterton, for printing - - - - -	5 17 2	
- Arthur M'Lean - ditto - - - - -	43 5 9	
- J. Flanagan - - ditto - - - - -	3 12 6	
- William Buell & Co, ditto - - - - -	4 19 6	
- F. H. Cumming, ditto - - - - -	1 5 -	
- H. C. Thomson - ditto - - - - -	11 6 -	
- John Carey - - - ditto - - - - -	6 4 6	
- George Gurnett - ditto - - - - -	7 1 4	
- R. D. Chatterton - ditto - - - - -	7 13 2	
- C. Rankin, for surveying - - - - -	8 12 6	
- Robert Livingstone, for inspecting - - - - -	6 16 6	
- Cyrus Davison - - ditto - - - - -	8 9 -	
- George Fisher - - ditto - - - - -	6 16 6	
- J. S. Howard, for postage - - - - -	5 7 9¾	
Carried forward - - - £.	127 7 2¾	

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P A Y M E N T S.				Provincial Currency.	Sterling.
				£. s. d.	£. s. d.
Brought forward - - -				127 7 2 ³ / ₄	
TO Thomas Baines, as clerk - - -	-	-	-	75 - -	
- Edward Beeston, ditto - - -	-	-	-	75 - -	
- John M'Closkey, as messenger - - -	-	-	-	12 10 -	
- Paid into the hands of the Hon. John Henry Dunn, Receiver-general - - -	-	-	-	228 13 9	
- Paid into the hands of the Hon. John Henry Dunn, Receiver-general - - -	-	-	-	1,000 - -	
					1,339 13 10 ³ / ₄
- Balance in the hands of the Commissioner for Crown Lands, the 31st December 1832 - - -	-	-	-	- - -	147 2 8 ¹ / ₂
TOTAL - - -				£.	1,486 16 7

R E C E I P T S.				Provincial Currency.	Sterling.
				£. s. d.	£. s. d.
1832 :					
BY Balance in the hands of the Commissioner for Crown Lands, the 30th June 1832 - - -	-	-	-	- - -	74 10 9 ¹ / ₂
- Rents received on Crown Reserves - - -	-	-	-	228 13 9	
- Instalments received on Crown Lands - - -	-	-	-	1,340 16 6	
					1,412 5 9 ³ / ₄
TOTAL - - -				£.	1,486 16 7

Commissioner of Crown Lands Office, }
Toronto, 6 December 1834.

(signed) Peter Robinson.

No. 10.—RETURN of RECEIPTS and EXPENDITURE of the Casual and Territorial Revenue, denominated Fund (K.) or King's Rights, for the Year 1830.

R E C E I P T S.				Sterling.
				£. s. d.
Balance in hand on 31st December 1829 - - -	-	-	-	2,547 5 6 ¹ / ₄ ¹ / ₁₀
From the Hon. P. Robinson, Commissioner of Crown Lands, and Surveyor-general of Woods; viz.				
Proceeds of sales of Crown Timber - - -	-	-	-	3,420 - -
Ditto - - - of Crown Lands - - -	-	-	-	1,160 19 3 ¹ / ₄ ⁸ / ₁₀
Rents of Crown Reserves - - -	-	-	-	261 - 8 ¹ / ₂ ² / ₁₀
Crown's proportion of seizures - - -	-	-	-	777 4 8 ¹ / ₂ ⁸ / ₁₀
Full and half fees on leases and grants of Lands from the Crown, received from the agent of the land-granting officer - - -	-	-	-	826 15 3 ⁸ / ₁₀
Rents of Mills and Ferries - - -	-	-	-	343 12 3
Survey and patents fees received at the Receiver-general's office - - -	-	-	-	727 3 2 ¹ / ₂
Fines - - -	-	-	-	241 3 5 ¹ / ₂ ⁸ / ₁₀
From the Hon. Colonel Talbot, as proceeds of sales of Crown Lands - - -	-	-	-	95 1 6 ¹ / ₁₀
From John Radenhurst, agent, as proceeds of sales of ditto - - -	-	-	-	135 17 11 ¹ / ₂ ² / ₁₀
From John Hencsey, in full of his purchase of ditto - - -	-	-	-	17 3 6
Rents of Crown Reserves from the sheriff of the Home District - - -	-	-	-	15 1 11 ¹ / ₄ ⁶ / ₁₀
From Henry Ruttan, Esq., trustee for the re-conveyance of several tracts of land under improvement, to the respective claimants, under Order in Council 2 February 1825, being the amount of the fee of 5 l. 14 s. 1 d. sterling upon each improvement claimed by five individuals upon a certain block of land in Maysburgh - - -	-	-	-	28 10 5
From Robert Stanton, Esq., in part repayment of a certain sum of money advanced him on his appointment to the office of Government Printer in 1826 - - -	-	-	-	90 - -
From the Receiver-general of Lower Canada, under warrant of the Governor-in-Chief for certain monies due to this province from the Jesuits' estates, for an advance made from this fund to the Rev. Dr. Phillips, as master of the Royal Grammar School, to July 1828 - - -	-	-	-	333 6 8
From the Hon. John B. Robinson and the Hon. Peter Robinson, being the amount of their securities for the late Stephen Heward, secretary to the Clergy Corporation, forfeited to the King, in pursuance of their bond - - -	-	-	-	360 - -
TOTAL RECEIPTS during the Year 1830 - - -				£. 11,380 6 6 ¹ / ₄

AND CANADA LAND AND TIMBER FUNDS.

19

PAYMENTS.		Sterling.		
		£.	s.	d.
Allowance in lieu of fees to his Excellency the Lieutenant-governor, for the year 1830	- - - - -	1,000	-	-
Salary to the Hon. and Rev. Dr. J. Strachan as President of the General Board of Education, for the year ending the 30th June 1830	- - - - -	270	-	-
Salary to the Hon. P. Robinson, Commissioner of Crown Lands and Surveyor-general of Woods, same period	- - - - -	1,000	-	-
Pay and allowances to Mr. Joseph Spragge, master of the Central School, same period	- - - - -	230	-	-
Salary to Rev. Samuel Arnour, master of Peterborough School, same period	- - - - -	67	10	-
Salary to Rev. William Bell, Presbyterian minister at the Rideau Settlement, same period	- - - - -	100	-	-
Salary to Venerable George O'Kill Stuart, as one of the Established Clergy of this Province, for the six months ended 31st December 1829	- - - - -	50	-	-
Pension to Captain John M'Donell, late incorporated militia, for the year ending 30th June 1830	- - - - -	103	16	11
Ditto to Captain William Jarvie, late of ditto, same period	- - - - -	103	16	11
Ditto to Lieutenant Daniel M'Dougal, late of ditto, ditto	- - - - -	72	13	10
Ditto to Lieutenant James M'Grigor, late of ditto, ditto	- - - - -	72	13	10
Paid Z. Mudge, Esq., Civil Secretary, for travelling expenses incurred in his Excellency the Lieutenant-governor visiting the London and Western Districts in 1829, and Midland, Newcastle, Gore and Niagara districts in 1830	- - - - -	134	19	2 $\frac{1}{4}$
Paid the clerk of the Executive Council for fees on petitions of privileged persons, for the year ending the 30th June 1830	- - - - -	24	-	2
Paid the Provincial Secretary's account for stationery	- - - - -	3	1	2 $\frac{1}{2}$
Paid the Government Printer's account for the six months ending 30th June 1830	- - - - -	12	-	3 $\frac{1}{2}$
Paid the Editor of the Kingston Chronicle, for publishing Proclamations and Appointments between the 20th August and 20th December 1829 inclusive	- - - - -	15	-	-
Paid William Chewete, Esq., Acting Surveyor-general, to defray the expenses of special surveys	- - - - -	519	5	3
Paid to the Hon. George Markland, Secretary of the Board of Education, the allowance for house rent to the Rev. Dr. Phillips, as master of the Royal Grammar School, for six months, ending 31st December 1829	- - - - -	45	-	-
Paid Major James Kirby, late incorporated militia, the amount of a judgment and costs recovered against him in the State of New York, for the value of a pair of horses seized by him during the late war with the United States of America	- - - - -	201	12	-
Paid Mr. Arrad Smalley, amount of his account for examining and reprinting in the settlements and improvements made in certain Townships	- - - - -	61	4	5 $\frac{1}{2}$
TOTAL PAYMENTS during the Year 1830 - - - £.		4,086	14	1

RECAPITULATION.

	£.	s.	d.
Total Receipts during the Year 1830 - - - - -	11,380	6	6 $\frac{4}{10}$
- Payments during - ditto - - - - -	4,086	14	1
Balance in the Receiver-general's hands on 31st December 1830 -	7,293	12	5 $\frac{4}{10}$

Receiver-general's Office, Toronto, } (signed) John H. Dunn, R.G.
Upper Canada, 11 Dec. 1834.

No. 11.—RETURN of RECEIPTS and EXPENDITURE of the Casual and Territorial Revenue, denominated Fund (K.) or King's Rights, for the Year 1831.

RECEIPTS.		Sterling.		
		£.	s.	d.
Balance in hand on 31st December 1830	- - - - -	7,293	12	5 $\frac{6}{10}$
From the Hon. P. Robinson, Commissioner of Crown Lands and Surveyor-general of Woods; viz.—				
Proceeds of sales of Crown Timber	- - - - -	5,580	-	-
Ditto - - of Crown Lands	- - - - -	818	16	9 $\frac{3}{4}$
Rent of Crown Lands, as explained by Mr. Robinson	- - - - -	273	13	- $\frac{6}{10}$
Crown's proportion of seizure from collectors	- - - - -	935	-	4 $\frac{8}{10}$
Carried forward - - - £.		14,901	2	7 $\frac{2}{10}$

RECEIPTS.		Sterling.		
		£.	s.	d.
	Brought forward - - -	14,901	2	7 ³ / ₄ ⁸ / ₁₀
Fines - - - - -	- - - - -	157	15	10 ⁸ / ₁₀
From the Attorney-general, for the Crown's proportion of a seizure in Whitby	- - - - -	118	16	-
Mill and ferry rents - - - - -	- - - - -	287	17	9
Full and half fees on grants of lands and leases, received from the Agent of the Land Granting Department - - - - -	- - - - -	1,123	18	2 ¹ / ₂ ¹ / ₁₀
Survey and patent fees received at the Receiver-general's office - - - - -	- - - - -	893	11	10 ¹ / ₄
From the Provincial Secretary, for fees on the Great Seal - - - - -	- - - - -	28	7	-
From the Hon. Colonel Talbot, on account of the sales of Crown Lands, less commission - - - - -	- - - - -	126	15	1 ³ / ₄ ² / ₁₀
From John Gruber, on account of his purchase of Crown Lands - - - - -	- - - - -	59	17	5 ³ / ₄ ¹ / ₁₀
From David Armstrong, in full of his purchase of ditto - - - - -	- - - - -	13	10	-
From John Radenhurst, on account of sales of lands at the River Credit, for the Mississaga Indians - - - - -	- - - - -	812	8	7 ⁸ / ₁₀
TOTAL RECEIPTS during the Year 1831 - - - £.		18,524	-	6 ¹ / ₁₀

PAYMENTS.		Sterling.		
		£.	s.	d.
The Lieutenant-governor's allowance in lieu of fees, for the year 1831 - - -	- - -	1,000	-	-
Salary to President of General Board of Education, for the year ending 30th June 1831 - - - - -	- - - - -	270	-	-
Ditto to Hon. Peter Robinson, Commissioner of Crown Lands and Surveyor-general of Woods, same period - - - - -	- - - - -	1,000	-	-
Pay and allowances to master of Central School, same period - - - - -	- - - - -	230	-	-
Salary to master of Peterborough School - - - ditto - - - - -	- - - - -	67	10	-
Ditto to Rev. William Bell - - - - - ditto - - - - -	- - - - -	100	-	-
Pension to Captain John M'Donell - - - - - ditto - - - - -	- - - - -	103	16	11
Ditto to Captain William Jarvie - - - - - ditto - - - - -	- - - - -	103	16	11
Ditto to Lieutenant Daniel M'Dougal - - - - - ditto - - - - -	- - - - -	72	13	10
Ditto to Lieutenant James M'Grigor, six months ending 31st December 1830 -	- - - - -	36	6	11
House rent to the Bishop of Quebec, for the year ending 30th June 1831 -	- - - - -	180	-	-
Paid James Henderson for expenses incurred in improving a road through the township of Puslinch - - - - -	- - - - -	134	1	10
Paid William Chewete, Esq., Acting Surveyor-general, for expenses incurred in exploring a tract of 100,000 acres of land in rear of Elden and Fenelon, and surveying the township of Luther - - - - -	- - - - -	293	15	5 ¹ / ₄
Paid the Government Printer's account, for the year ending 30th June 1831 -	- - - - -	25	7	2
Paid Clerk of Executive's Council's account for same period, for fees on petitions of privileged persons - - - - -	- - - - -	34	15	6
Paid Provincial Secretary's account for stationery for militia patents, same period -	- - - - -	18	-	- ¹ / ₄
Paid the Hon. P. Robinson, Commissioner, &c., for defraying the expenses in preparing for the reception of emigrants, in conveying a certain description of them to their locations, and in supplying provisions to a certain number of the sick and destitute - - - - -	- - - - -	4,410	-	-
Paid the Hon. Joseph Wells, Bursar of King's College, for the use of Upper Canada College and Royal Grammar School, for the six months ending the 30th June 1831 - - - - -	- - - - -	250	-	-
Paid the Rev. John Strachan, D.D., Rector of York, the appropriation towards erecting a new church - - - - -	- - - - -	1,000	-	-
Paid into the hands of the Hon. John Henry Dunn, for the use of the Mississaga Indians, being a balance of monies belonging to them and heretofore credited in this account - - - - -	- - - - -	1,232	4	3
Transferred to fund (A.) (31 Geo. 3) to repay so much erroneously drawn from that fund as salary to the Rev. George O'Kill Stuart, one of the clergy of the Established Church, for the half-year ending the 30th June 1831 - - -	- - - - -	50	-	-
Transferred to the Clergy fund (E.) being so much received from the sureties of the late Stephen Heward, Esq., on account of the defalcation in his accounts as Secretary of the Clergy Corporation - - - - -	- - - - -	360	-	-
TOTAL PAYMENTS during the Year 1831 - - - £.		10,972	8	9 ¹ / ₄

RECAPITULATION.		£.	s.	d.
Receipts during the year 1831 - - - - -	- - - - -	18,524	-	6 ¹ / ₁₀
Payments during - ditto - - - - -	- - - - -	10,972	8	9 ¹ / ₄
Balance in the Receiver-general's hands on 31st December 1831 - - -		7,551	11	8 ¹ / ₁₀ ¹ / ₄

Receiver-general's Office,
Toronto, Upper Canada,
11 December 1834.

(signed) John Henry Dunn, R. G.

AND CANADA LAND AND TIMBER FUNDS.

21

No. 12.—RETURN of RECEIPTS and EXPENDITURE of the Casual and Territorial Revenue, denominated Fund (K.) or King's Rights, for the Year 1832.

RECEIPTS.	Sterling.		
	£.	s.	d.
Balance in hand on the 31st December 1831 - - - - -	7,551	11	8 $\frac{1}{2}$ $\frac{1}{10}$
From the Hon. P. Robinson, Commissioner of Crown Lands and Surveyor-general of Woods, &c.:			
Rents of Crown Lands - - - - -	377	17	8 $\frac{1}{2}$ $\frac{1}{10}$
Proceeds of sales of Crown Lands - - - - -	1,800	-	-
Ditto - - - Crown Timber - - - - -	2,700	-	-
Crown's proportion of seizure - - - - -	289	11	9 $\frac{6}{10}$
Fines - - - - -	120	7	1 $\frac{1}{2}$
Mill and ferry rents - - - - -	158	4	7 $\frac{1}{2}$
Full and half fees on grants of land and leases from the land-granting officer's agent - - - - -	1,299	14	8 $\frac{4}{10}$
Survey and patent fees - - - - -	943	19	7 $\frac{4}{10}$
Fees on the great seal - - - - -	50	8	-
From the Hon. Colonel Talbot, on account of sales of Crown Lands - - -	18	19	9 $\frac{1}{10}$
From the Hon. G. H. Markland, being the first instalment on his purchase of the old Council-house and ground in York - - - - -	144	-	-
From John M'Pherson, in full of his purchase of land from the Crown - - -	22	10	-
TOTAL RECEIPTS during the Year 1832 - - - £.	15,477	4	11 $\frac{1}{2}$ $\frac{3}{10}$

PAYMENTS.	Sterling.		
	£.	s.	d.
The Lieutenant-governor's allowance in lieu of fees, for the year ending 31st December 1832 - - - - -	1,000	-	-
Salary to the President of General Board of Education, for the year ending 30th June 1832 - - - - -	270	-	-
Salary to the Hon. P. Robinson, Commissioner Crown Lands and Surveyor-general of Woods, ditto period - - - - -	1,000	-	-
Salary to the Receiver-general for six months, ending the 30th June 1832 - -	100	-	-
Salary to Master of Peterborough School, for the year ending 30th June 1832 -	67	10	-
Salary to Rev. William Bell, ditto period - - - - -	100	-	-
Pay and allowances to the Master of the Central School, ditto period - - -	230	-	-
Pension to the Hon. William D. Powell, late Chief Justice and Speaker of Legislative Council, from 22d September 1831 to 30th June 1832 inclusive, at 1,000 <i>l.</i> sterling per annum - - - - -	774	9	1 $\frac{1}{2}$
Pension to the Hon. John M'Gill, late Receiver-general, for the same period, at 450 <i>l.</i> sterling per annum - - - - -	348	10	1 $\frac{1}{2}$
Pension to Captain John M' Donell, for the year ending 30th June 1832 - - -	103	16	11
Pension to Captain William Jarvie, ditto period - - - - -	103	16	11
Pension to Lieutenant Daniel M'Dougal, ditto period - - - - -	72	13	10
Pension to Captain John Wilson, late Indian Department, from 1st January 1831 to 16th September 1832, at the rate of 100 <i>l.</i> per annum - - - -	171	-	9
Pension to Lieutenant James M'Gregor, from 1st January to 27th April 1831, at the rate of 72 <i>l.</i> 13s. 10d. per annum - - - - -	23	6	- $\frac{1}{2}$
Pension to the Hon. Sir William Campbell, late Chief Justice, &c., for six months, ending 30th June 1832, at the rate of 1,200 <i>l.</i> per annum - - - -	600	-	-
Pension to D'Arcy Boulton, Esq., on his retirement from the Court of King's Bench, for the 6 months ending 30 June 1832 - - - - -	250	-	-
Paid the Hon. Joseph Wells, Treasurer of the General Board of Education, being the allowance for house rent to the Master of the Royal Grammar School for the years 1830 and 1831 - - - - -	90	-	-
Paid the Hon. Joseph Wells, Bursar of King's College, in aid of Upper Canada College, and Royal Grammar School, for the year ending 30 June 1832 - -	500	-	-
Paid the Government Printer's account, for same period - - - - -	47	6	9 $\frac{1}{2}$
Paid the Provincial Secretary's account, for same period - - - - -	4	13	7 $\frac{1}{2}$
Paid the Clerk of the Executive Council's account, for same period - - - -	117	16	2 $\frac{1}{2}$
Paid expenses of special messengers from His Majesty's Consulate, New York, with despatches from Viscount Goderich to this Government - - - - -	31	10	-
Paid William Chewete, Esq., Acting Surveyor-general, to defray the expenses of special surveys - - - - -	915	9	7
Paid Samuel P. Hurd, Esq., Surveyor-general, for the like service - - - - -	360	4	3 $\frac{1}{2}$
Paid the Hon. P. Robinson, Commissioner, &c., on account of the emigration expenditure of 1831 and 1832 - - - - -	8,463	-	8 $\frac{1}{2}$
Carried forward - - - £.	15,745	4	10 $\frac{1}{2}$

22 PAPERS RELATING TO CANADA CROWN LANDS.

PAYMENTS.	Sterling.		
	£.	s.	d.
Brought forward - - -	15,745	4	10 $\frac{1}{2}$
Paid Elijah Burch, being the amount of certain monies improperly exacted from him by the sheriff of the Bathurst district, upon lumber cut by him on Crown Lands - - - - -	302	8	-
Paid D'Arcy Boulton, Esq., Chairman of the General Quarter Sessions of the Home District, to aid in taking measures to prevent the spread of the cholera in the said district - - - - -	450	-	-*
Paid Thomas G. Ridout, Cashier of the Bank of Upper Canada, to reimburse the said bank for advances made to the magistrates of the Midland Niagara and Johnstown Districts, with a view of checking the progress of the cholera - - - - -	765	-	-*
Paid William Furner, M.D., to enable him to defray the expense of the attendance of a physician and apothecary at the Cholera Hospital at York, during the late prevalence of that disease, and for medical aid to sick and destitute emigrants during the summer of 1832 - - - - -	225	-	-
Paid Thomson & M'Farlane, for 50 copies of the statutes of the province, revised to the year 1831, for the use of Government and the public offices - - - - -	90	-	-
Paid James Fitzgibbon, Esq., to enable him to defray the expense of erecting offices attached to the Upper Canada College, and draining, fencing and levelling the grounds about it - - - - -	428	18	11
Paid special messenger with despatches from Queenston to New York - - - - -	8	18	10 $\frac{1}{2}$
Paid Samuel P. Hurd, Esq., Surveyor-general, to make up the full amount of his salary and emoluments as Surveyor-general of this province for six months subsequent to the date of his appointment, pursuant to instructions from the Secretary of State - - - - -	177	11	4 $\frac{3}{4}$
House rent to the Lord Bishop of Quebec, for the year ending 30 June 1832 - - - - -	180	-	-
TOTAL PAYMENTS during the Year 1832 - - - £.	18,373	2	- $\frac{1}{2}$

* Since refunded from the Provincial Revenue, pursuant to Provincial Statute 3 Will. 4. c. 54 & 57.

RECAPITULATION.								£.	s.	d.
Receipts during the Year 1832 - - - - -	-	-	-	-	-	-	-	15,477	4	11 $\frac{1}{2}$ $\frac{3}{10}$
Payments during ditto - - - - -	-	-	-	-	-	-	-	18,373	2	- $\frac{1}{2}$
Cash in advance by the Receiver-general on the 31st December 1832 - - - £.	-	-	-	-	-	-	-	2,895	17	- $\frac{3}{4}$ $\frac{7}{10}$

GENERAL RECAPITULATION.										
					RECEIPTS.			PAYMENTS		
					£.	s.	d.	£.	s.	d.
Year 1830 - - - - -	-	-	-	-	11,380	6	6 $\frac{4}{10}$	4,086	14	1
- 1831 - - - - -	-	-	-	-	18,524	-	6 $\frac{1}{10}$	10,972	8	9 $\frac{1}{2}$
- 1832 - - - - -	-	-	-	-	15,477	4	11 $\frac{1}{2}$ $\frac{3}{10}$	18,373	2	- $\frac{1}{2}$
					£.	45,381	11 11 $\frac{1}{2}$ $\frac{8}{10}$	33,432	4	11

Receiver-general's Office,
Toronto, Upper Canada,
11 December 1834.

(signed) John Henry Dunn, R. G.

Chap. 457.—AN ACT REGULATING PASSENGERS, SHIPS, AND VESSELS.

SECT. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if the master or other person on board of any ship or vessel, owned in the whole or in part by a citizen or citizens of the United States, or the territories thereof, or by a subject or subjects, citizen or citizens of any foreign country, shall after the 1st day of January next, take on board of such ship or vessel, at any foreign port or place; or shall bring or convey into the United States, or the territories thereof, from any foreign port or place; or shall carry, convey, or transport from the United States, or the territories thereof, to any foreign port or place, a greater number of passengers than two for every five tons of such ship or vessel, according to Custom-house measurement, every such master or other person so offending, and the owner or owners of such ship or vessel, shall severally forfeit and pay to the United States the sum of 150 dollars for each and every passenger so taken on board of such ship or vessel over and above the aforesaid number of two to every five tons of such ship or vessel, to be recovered by suit in any Circuit or District Court of the United States where the said vessel may arrive, or where the owner or owners aforesaid may reside: Provided, nevertheless, that nothing in this Act shall be taken to apply to the complement of men usually and ordinarily employed in navigating such ship or vessel.

CROWN LANDS:
CANADA LAND AND TIMBER FUNDS.

RETURNS:
SALES of LAND in *Upper and Lower Canada.*
(*Mr. Hunt.*)

RECEIPT and EXPENDITURE of the LAND
and TIMBER FUNDS in *Upper and Lower Canada.*
(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
27 March 1835.

CANADAS.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 14 March 1836;—for,

COPY of the INSTRUCTIONS given to the Earl of *Gosford*, and the Commissioners
appointed to inquire into the GRIEVANCES complained of in *Lower Canada*:—
also, COPY of the INSTRUCTIONS given to Sir *F. B. Head*, Lieutenant-
Governor of *Upper Canada*.

(*Sir George Grey.*)

Colonial Office, Downing-street, }
17 March 1836.

GEO. GREY.

Ordered, by The House of Commons, to be Printed,
22 March 1836.

[*Price 8d.*]

SCHEDULE.

No. 1.—Copy of a Despatch from Lord Glenelg to the Earl of Gosford, the Right Hon. Sir C. E. Grey and Sir G. Gipps, His Majesty's Commissioners of Inquiry in Lower Canada, dated Downing-street, 17 July 1835 (with Enclosures) - - p. 3

No. 2.—Ditto - - ditto, dated Downing-street, 17 July 1835 - - - - p. 43

No. 3.—Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street, 17 July 1835 - - - - - p. 45

No. 4.—Ditto - - ditto, dated Downing-street, 18 July 1835 (with Enclosure) - p. 53

No. 5.—Copy of a Despatch from Lord Glenelg to Sir F. B. Head, dated Downing-street, 5 December 1835 - - - - - p. 54

COPY of the INSTRUCTIONS given to the Earl of *Gosford*, and the Commissioners appointed to inquire into the GRIEVANCES complained of in *Lower Canada*:—also, COPY of the INSTRUCTIONS given to Sir *F. B. Head*, Lieutenant-Governor of *Upper Canada*.

— No. 1. —

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*, the Right Hon. Sir *C. E. Grey* and Sir *G. Gipps*, His Majesty's Commissioners of Inquiry in *Lower Canada*.

No. 1.
Despatch from Lord
Glenelg to Commis-
sioners of Inquiry,
17 July 1835.

My Lord and Gentlemen,

Downing-street, 17 July 1835.

1. I HAVE the honour of transmitting to you a Commission under the Great Seal, by which the King has been pleased to appoint you to be His Majesty's Commissioners of Inquiry in the Province of Lower Canada.

2. In obedience to His Majesty's commands, I now proceed to put you in possession of the instructions by which it is His Majesty's pleasure that you should be guided in the discharge of the trust committed to you. The personal acquaintance which His Majesty possesses with the important part of his dominions in which your inquiries are to be prosecuted, and the peculiar interest which he has ever felt in the prosperity of the inhabitants of Lower Canada, have induced the King to bestow upon the mission with which he has pleased to entrust you a more than common measure of his attention.

3. A correct acquaintance with the history of Lower Canada, especially during the last 20 years, is indispensable to the accomplishment of the duties with which you are charged. I do not, however, propose to engage in any consecutive review, far less in any narration of past events. Such an addition to the length of my present communication would be at once inconvenient and unnecessary.

4. From documents, which will be accessible to you both in this country and in Lower Canada, you will be able to elicit the most ample information respecting all occurrences, explanatory or illustrative of the following instructions. I would especially refer you to the Journals of the Legislative Council and of the House of Assembly, and the many valuable Reports constituting the Annual Supplement to those volumes; to the Reports of the House of Commons' Committees on Canadian Affairs in 1828 and 1834; to the evidence taken before the former of those Committees, and to the correspondence between my predecessors in this department and the successive governors of the province. In the following pages, a familiarity with all the more important facts to be collected from this series of documents is presupposed. I have the honour herewith to enclose, for your information, copies of various documents connected with this subject, of which you might not be able readily to procure transcripts in the province, and of which a list will be found in the margin.

- No. 1. Petition from the Inhabitants of Lower Canada, 5 Feb. 1835.
- No. 2. Ditto, District of Montreal, 1835.
- No. 3. Ditto, House of Assembly of Lower Canada to the House of Commons, Dec. 1834.
Report of a Committee of the House of Commons on Canada, 1828.—*Vide* Parliamentary Papers, No. 569, Session 1828.
Ditto ditto, 1834.—*Vide* Parl. Papers, No. 449, Session 1834.
- No. 4. Letter from Mr. Neilson, 17 June 1835.
- No. 5. Ditto ditto, 10 July 1835.
- No. 6. Ditto Mr. Walker, 17 June 1835.
- No. 7. Minute, No. 2, in Lord Aberdeen's Despatch to Lord Amherst, of 2 April 1835.

5. Before I approach more closely to the discussion of the questions which will principally engage your attention, it is necessary that I should explain the motives by which His Majesty has been induced to issue the commission which you are about to execute.

6. The dissensions which commenced in Lower Canada in the year 1820, have since that time, with some transient intermissions, been continually increasing in violence and animosity. They have at length advanced to such a height as not only to invade the peace of society, but nearly to paralyse the activity of the executive government, threatening with the most fatal confusion a country exempt beyond the common lot of nations from the influence of the ordinary causes of social evil.

7. This state of affairs in a portion of the King's dominions so valuable, and otherwise so prosperous, has engaged His Majesty's most anxious and deliberate attention. To heal the disorders by which the province is distracted, and to

No. 1.
Despatch from Lord
Glenelg to Commis-
sioners of Inquiry,
17 July 1835.

restore internal peace and union, it has appeared to His Majesty necessary to adopt some well-digested and comprehensive plan of adjustment. But the foundation of such a plan must be laid in a complete knowledge of the condition of the people in all its bearings, moral, social and political.

8. Notwithstanding the variety and amount of the intelligence on this subject which has been collected during the last few years, there is yet a deficiency of adequate information upon many questions of the greatest moment to the correct apprehension of the state of Canadian affairs. The seven years which have elapsed since the first Parliamentary Report have given birth to numerous changes, to new wants, new interests, and new combinations of interests. The very removal of some grievances has, in some instances, aggravated those which remain, or altered their relation to each other. The general balance of society has also been constantly and rapidly affected by the infusion of new masses of inhabitants, bringing with them new views and prepossessions. In order to appreciate the actual wants and wishes of a country developing its resources and undergoing internal changes with such extreme rapidity, it is necessary that a new and careful survey should be made, by impartial and intelligent observers, of the state and prospects of society in the province. The crisis cannot be met by effective measures, unless those measures be founded on the results of such an inquiry. His Majesty has been induced to sanction your mission to Lower Canada, in the hope that you will be able to conduct this investigation to a satisfactory and successful issue.

9. It is His Majesty's earnest injunction, that in the discharge of this duty you avail yourselves of every opportunity to impress the minds of the people of Lower Canada with a just sense of the warmth and honesty of feeling with which their interests are regarded by all orders of society in this kingdom; that you consult with equal kindness the claims and wishes of every class of His Majesty's Canadian subjects; and that by applying to the consideration of every question which shall come before you the maxims of an enlightened policy, you endeavour to unite the inhabitants of the province in mutual concord, and to strengthen the bonds by which they are connected with the other members of the British empire.

10. Proceeding in this spirit to Lower Canada, you will there make universally known His Majesty's deep solicitude to redress, to the utmost extent of his lawful authority, every real grievance under which his Canadian subjects may labour. You will listen with the most respectful attention to every complaint, and investigate by all accessible evidence, oral or documentary, the merits of every question which shall be brought before you. You will ascertain by personal inspection what are the real points in which, in practice, the existing system presses most severely; and in consultation with each other, you will mature such plans as may appear to you best adapted to place the affairs of the province on a permanent basis of order and of well-regulated liberty.

11. His Majesty has thought it proper that the Commission should consist of more than one member, because the proposed range of inquiry will embrace so many topics, legislative, judicial, fiscal, moral and social, that it is not to be imagined that the studies or previous habits of any single mind, however gifted, would be sufficient to compass them all.

12. With the actual administration of the provincial government the Commissioners, as such, will have no concern. Although the Earl of Gosford, the Governor-general of all His Majesty's Colonies in British North America, has been placed at the head of the Commission, his Lordship's functions as Commissioner are totally distinct from those which he will discharge as head of the government. The duty of the Commissioners is limited, with the utmost strictness, to inquiry, to mutual deliberations, and to reporting, for His Majesty's information, the conclusions which they may be led to adopt. The Governor will alone exercise the powers which have been vested in his predecessors under the Constitutional Act of 1791.

13. But although your duty as Commissioners be exclusively to inquire, to deliberate, and to report; yet, within the sphere of that duty you are placed under no restrictions, excepting such as the necessity of the case or your own judgment may prescribe. You will lay before His Majesty a faithful statement of all matters entrusted to your investigation, and of your matured sentiments regarding them. It will then remain for the King, on the advice of his confidential servants, to determine on the course of action to be pursued. Your counsels and those measures will have for their common object the advancement of the welfare and prosperity

prosperity of Lower Canada by all methods compatible with the integrity of the empire, and with the authority of the King as supreme in all parts of the British dominions.

14. You will ever bear in mind that you are sent on a mission of peace and conciliation. You will therefore proceed in a spirit not of distrust, but of confidence; remembering that much of your success will depend, not only on the zeal, ability and fairness of your inquiries, but also on your perfect separation from all local and party disputes, and on the unquestionable frankness and impartiality of your general conduct.

15. I must not omit to observe, that the legislature of Lower Canada must ultimately be the instrument through which any benefits resulting from your mission must, to a very great extent, be accomplished. His Majesty disclaims the intention of provoking any unnecessary Parliamentary interference in the internal affairs of the province. To mediate between adverse parties, with an entire respect for the constitutional rights common to them all, is the high office appropriate to his Royal station, and this function the King, aided by your inquiries and advice, is anxious on the present occasion to perform.

16. With these preliminary remarks on the motives in which your mission has originated, and on the spirit in which your duties as Commissioners are to be discharged, I proceed to advert to some of the more prominent subjects of claim and complaint on the part of the House of Assembly.

17. Among the most pressing of these is the Financial Question which has given rise to so protracted a controversy.

18. After the several gradations through which this question has passed, it has at length assumed the following shape:—As representatives of the people of Lower Canada, the House of Assembly claim the right of appropriating to the public service, according to their own discretion, the whole of the revenues of the Crown accruing within the province. The claim extends to the proceeds of all Parliamentary and provincial statutes, whatever may have been the original conditions of these grants; to the funds drawn from the sale of timber and of the waste lands of the Crown; to all fines and forfeitures; and to the income derived from the Seigneurial rights inherited by the King from his royal predecessors. In fine, the authority of the local legislature over the income and expenditure of the province is declared to be so extensive as to embrace every part of that receipt and outlay, and so inalienable as to supersede even the concessions deliberately made in preceding times by the former representatives of the Canadian people.

19. Without pausing to discuss the great constitutional questions which these claims involve, I content myself with referring to the undoubted fact, that the Kings of England have at all times been, in right of their Crown, in possession of certain sources of revenue peculiarly their own, and of which they could not be divested, except by their own consent. In modern times, as is well known, the control of Parliament over this revenue in these kingdoms has been established on the accession of each Sovereign to the Throne, by a solemn compact made between the Crown and the Houses of Lords and Commons. If, therefore, the King were disposed to insist upon positive law, ancient practice, or constitutional analogy, His Majesty might readily vindicate his right to dispose of the territorial, hereditary and casual revenue of the Crown arising in Lower Canada, towards the maintenance of the civil government in that part of his dominions. But anxious to render his reign a blessing to his Canadian subjects, His Majesty is prepared to decline taking this ground, and to refer the decision of the question to the single test of the advantage or disadvantage to the province, with which the proposed cession would be attended. It would be difficult to imagine any pecuniary sacrifice which would not be wisely incurred in purchasing a peaceful settlement of the dissensions of the last fifteen years.

20. If pecuniary interests alone were at stake, the King would not hesitate to make this cession permanently and without conditions. They must ill indeed have understood the character and policy of the British Government, who may have supposed that the peace and well-being of this great empire, has been put to hazard in a prolonged contest with the most valuable of its foreign dependencies, for the sake of a sum of money so insignificant, as to be scarcely perceptible in the financial operations of Great Britain, and of no considerable moment even in those of Lower Canada. During the progress of this controversy, there have been expended by Parliament, for objects altogether Canadian, sums, compared with which, the utmost demand that has been made on the liberality of the House of

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Assembly, for the support of the executive government of the province, is altogether trivial. The real importance of connecting the surrender of the hereditary and territorial revenue with some reservation or conditions for the support of the civil government, and for the administration of justice, rests upon grounds far higher than any which could be brought to a pecuniary measurement. There are objects essential, as it would seem, to the welfare of His Majesty's Canadian subjects, which could not probably be secured if that surrender were made unconditionally. In this view of the question, His Majesty is bound not to relinquish the appropriation of funds which the law and the constitution have placed at his disposal, without making a stipulation suggested exclusively by his care for the common benefit of his people.

21. Amongst the foremost of the objects which His Majesty is thus bound to rescue from a precarious support, are the independence of the judges and the pure administration of the law. From the commencement of his reign, it has been the constant and persevering effort of His Majesty to render the judges of the Superior Courts in Lower Canada independent alike of the Crown for the tenure of their offices, and of the representatives of the people for their annual emoluments. In the various documents already noticed you will find the history of those attempts, and a full explanation of the causes to which their failure is to be ascribed. Yet a review of the Journals of the Assembly will, I think, convince you that between that House and His Majesty's Government no real, or at least no irreconcilable, difference of opinion exists on this subject. On the contrary, you will find, that respecting the general principles on which we must proceed, a perfect unanimity has prevailed. It is fully admitted that the judges ought to hold their offices not at the pleasure of the King, but during good behaviour, and that their official incomes should be paid, not at the pleasure of the popular branch of the legislature, but from adequate funds to be irrevocably pledged for that purpose.

22. This, then, will be one of the subjects of your earliest inquiry; and you will endeavour to suggest the plan of a law, in which there may be good ground to anticipate the concurrence of the House of Assembly, for the securing of judicial independence. If this can be effected, one of the chief difficulties which might otherwise obstruct the cession of the revenues, would be overcome.

23. The regard which it is His Majesty's duty to maintain for the welfare of the people of Lower Canada, appears to forbid a surrender of the revenues of the Crown in that province to the appropriation of the legislature, unless some condition be further made for the support of the executive government by an adequate civil list.

24. I pass over, without any direct notice, the grounds on which the contending parties in the province have, on the one hand, urged the necessity of such a stipulation, and, on the other hand, denied that it could be safely or constitutionally admitted. You will readily learn from various public documents, which will be pressed upon your attention, in the province itself, what are the arguments to which I refer. I cannot, however, abstain from recording in this place, the principal considerations which appear to make it necessary, that the concession about to be made to the provincial legislature should be qualified by the demand of a proper civil list.

25. A constant altercation between the House of Assembly and the executive government, on the subject of the official emoluments of the chief officers of the Crown, would be derogatory to the character of those officers, and especially of the Governor, representing the person and clothed with the delegated prerogatives of the King. The tendency of such controversies would unavoidably be, to induce a dis-esteem for those functionaries, by exhibiting them in the light of pensioners on the reluctant bounty of the representatives of the people; although the common welfare of society evidently requires that they should rather be respected as the ministers of the King; exercising, under a just responsibility indeed, but yet with freedom and independence, the powers confided to them for the public good.

26. The continued agitation of a subject so capable of being placed in an invidious light, could scarcely be compatible with the tranquil and steady progress of those most important branches of the public business, with which the higher functionaries of the government are charged. It would also be directly injurious to them, and therefore to the society at the head of which they are placed, thus to give an habitual and offensive prominence to the remuneration they were receiving, and in the same degree to divert public attention from the services by which that pecuniary reward was earned.

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27. The security which the Governor and his principal officers would derive from the grant of a civil list, would strengthen the connexion subsisting between Canada and the other members of the British empire. It would be a distinct recognition of the principle, that the administration of the affairs of the province, by a Governor and officers appointed by the King, is a substantive and essential part of the provincial constitution. To debate from year to year whether grants shall or shall not be made for the support of such functionaries, might almost seem to involve a tacit assumption, that the existence of such offices was itself a question open to annual revision. In so remote a part of His Majesty's dominions, it is especially necessary that the Royal authority, as represented by His Majesty's officers, should be most distinctly admitted as one of the component and inseparable principles of the social system.

28. Nor are the motives by which the independence of the judges has been recommended by the King, and admitted by the Assembly, inapplicable to the case of the principal officers of the local government. They have frequently unpopular duties to perform; they are not seldom called to oppose the passions and emotions of the day; and, for the permanent well-being of society, to brave the displeasure of the popular leaders. They should therefore be raised above all influence, and all suspicion of influence, of unworthy fear or favour. The interests of freedom and of good government require that those upon whose firmness and constancy the maintenance of order and the authority of the laws mainly depend, should not be looking for their subsistence to the favour of a body, which necessarily reflects most of the fluctuating movements of the public mind.

29. Such are the principle motives which induce me to conclude that the King could not consistently with the interests of his Canadian subjects, relinquish, except in return for an adequate civil list, the control which His Majesty at present exercises over the hereditary and territorial revenue.

30. It will be for you to consider and report, what ought to be the precise terms of this stipulation. A temporary cession of the revenue, in return for a provision for the chief public officers of the province for a corresponding period, would be the most satisfactory arrangement. In the rapid progress of settlement in the Canadian provinces, a few years will probably be productive of changes, demanding a corresponding alteration in the terms of any adjustment concluded at the present period; and a decennial revision of the compact now to be made, would seem best calculated to secure those public benefits, and avert those public evils, by the hope or fear of which the compact itself is recommended.

31. If however a temporary settlement, to be renewed from time to time, should prove impracticable, or upon a closer consideration of the subject should seem to you inexpedient, you will then consider in what manner the inconveniences inseparable from the permanent adjustment of such a question can be most effectually mitigated or avoided.

32. Respecting the amount of the civil list to be demanded, the very moderate proposal of the Earl of Ripon might perhaps be taken as the basis. But as his Lordship proposed to retain for the Crown, the control of the territorial and hereditary revenue, it would be in perfect consistency with his principle to advance beyond the limit of his demands. It will be for you to consider what part of the public revenue ought thus to be withdrawn from the annual appropriation of the provincial legislature. In attempting to draw this line, you will judge what are those services in the performance of which the common good requires that the officers of the Crown should be elevated above the reach of popular prepossessions and prejudices. Other considerations will probably claim a place in deciding on the amount of the civil list to be demanded; but to maintain the proper freedom of action in the chief organs of the executive government, will be the principal object to be borne in view.

33. The opponents of the claims preferred by the House of Assembly to the control of the territorial revenue insist, with peculiar emphasis, that the necessary effect of yielding to this claim would be, to transfer from the executive government to the popular branch of the legislature the management of the uncleared territory, asserting that the assumption of this duty by the House of Assembly would be most injurious to the agricultural and financial interests of Lower Canada.

34. Were the right of appropriating the revenue arising from the Crown lands, and the charge of their management indissolubly connected, I should admit this reasoning to be correct. The objections to the combination in the same hands of a large share of the legislative power with so important a branch of the executive authority,

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authority, are too obvious to escape your notice; and I therefore may, without inconvenience, abstain from a particular explanation of them. It may be sufficient to say, that His Majesty's confidential advisers regard as conclusive and unanswerable, the objections which are made to confiding the management of the uncleared territory of Lower Canada to either or to both of the Houses of General Assembly, or to persons appointed by them and subject to their control.

35. In the distribution of the different powers of the State, the office of settling and alienating the uncleared territory properly belongs to the executive government.

36. It is competent to the legislature upon this as upon other subjects to lay down general rules for the guidance of the executive authorities; or either branch of the legislature may separately offer its advice to the Crown as to the policy and system of management which it thinks should be pursued; but the practical application of such general rules, and the charge of carrying into effect the system of management which may be approved, are functions so strictly of an executive and administrative character, that they can only be properly discharged by those in whose hands all similar powers are lodged by the constitution. Nor am I aware of any ground on which a surrender of that trust could be properly required from His Majesty, or which would justify the resignation of it by the King.

37. Wishing to meet the whole subject frankly and without reserve, I am not disposed to deny, that at a period which perhaps can hardly be called remote, large grants of land were improvidently made to persons who had no legitimate title to that advantage; but this I believe to have been the necessary consequence of a system of management which, though faulty in itself, was consonant with opinions prevalent at the time of its establishment; and I am entitled, on behalf of the executive government, as administered by Lord Ripon and by his Lordship's successors, to assert, that they gave conclusive evidence both of the disposition to originate, and of the ability to effect, a complete reform in this department of the public service. Lord Ripon took the most effectual security against the recurrence of such abuses, by establishing the rule, that no waste lands should be disposed of except by public auction, and at such an upset price as should effectually prevent fictitious sales. I am aware that complaint has been made of the infringement of this rule; but after the most careful search into all the documents within my reach, I am able to declare that I find no evidence of a solitary deviation from it. The cases mentioned as exceptions, are all to be explained by the same simple statement. Persons who, before the date of Lord Ripon's regulations, had entered into contracts, or had received from the government promises for the grant of lands upon different terms, insisted afterwards on their earlier titles; against which, of course, it would have been unjust to plead a subsequent and retrospective rule.

38. But while claiming for His Majesty, and for the public officers appointed by him, the right and duty to regulate the settlement and alienation of the wild lands of the Crown, I am not only ready, but anxious that every proper security should be taken for the intelligent, faithful, and punctual execution of that duty; nor does it seem to me that it would necessarily be incompatible with these objects, to place the territorial revenue at the disposal of the legislature.

39. In considering this subject, it will be, in the first place, necessary to determine the principles upon which the uncleared territory could be most advantageously brought into settlement. This inquiry has engaged the serious attention both of speculative observers and of persons practically engaged in such affairs. Lord Ripon evidently devoted to it much time and thought; and his Instructions to Lord Aylmer on this head rest on principles which certainly underwent a very close investigation. Aware, as I am, how many are the sources of error to which speculations of this kind are liable, and how necessary it is for the correction of such fallacies, to possess an intimate acquaintance with the scene in which such abstract principles are reduced to practice, I express my concurrence in the general views of my predecessor, with the same self-distrust by which he appears to have been actuated. It was under the influence of that feeling, as well as from respect for the local authorities, that Lord Ripon took the wise course of soliciting the advice of the House of Assembly for the guidance of the local government in maturing his scheme, and in the discharge of the duties connected with it. The House has not, as yet, acted on that request.

40. This silence may, I trust, be understood to imply an approbation of the system so fully explained by Lord Ripon; but as it is of the greatest importance
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that some permanent rules should be prescribed upon this subject, which cannot with propriety be left to the arbitrary discretion of any functionaries, however eminent in character or station, it will be part of your duty to inquire and ascertain what are the principles and the rules which could be most conveniently adopted for this purpose. The existing regulations, if not perfect, seem at least sufficiently accurate to form the basis of a legislative enactment on the subject. You will, however, have an opportunity of learning how far Lord Ripon's plan has really been productive of the beneficial effects which his Lordship anticipated, and how far any unforeseen difficulties may have embarrassed its operation. You will thus be enabled to judge to what extent it may demand or admit of amendment.

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41. But it will be necessary not merely to determine the general system of management which should be adopted, but likewise to provide adequate machinery by which that system may be practically applied. In your inquiries upon this head, your attention will naturally be drawn to the course of proceeding followed in this country, in a case which, however distinguishable, is not dissimilar from that of the management of the wild lands in Lower Canada. The land revenue of the Crown in England, is placed under the direction of a Board, of which all the members are appointed by the King.

42. The Commissioners of Woods and Forests, under the direction of the Treasury, receive the rents and profits which arise from the estates of the Crown; apply such portions of the receipts, as in their discretion they think expedient, in the improvement of the property, and in defraying the various expenses of management; and transfer the balance which may remain to the public account, under the compact entered into at the commencement of the reign. As a check upon any abuse in the discharge of these duties, and more especially in the application out of the gross revenue of the sums required for the management and improvement of the estates, the Board is placed under the obligation of presenting, annually, to both Houses of Parliament a full report of its proceedings, including an account, in detail, of all receipts and disbursements within the preceding year.

43. You will consider whether any obstacles exist to the adoption, in Lower Canada, of a similar arrangement, which, if practicable, would remove the principal difficulty in making over to the legislature the right of appropriating the territorial revenue, by securing to the executive government that free action in the management of the wild lands of the Crown which it is absolutely essential to preserve.

44. It remains to notice one other topic, which must be considered in connection with the proposed financial arrangements. The cession of the hereditary and territorial revenue to the appropriation of the provincial legislature, would deprive the King of the means of paying the pensions and compensation allowances which have been charged upon that fund, in the exercise of His Majesty's lawful and undoubted authority. It is almost superfluous to say, that any violation of the pledged faith of the Crown cannot, in the prospect of any advantage whatever, be admitted even as the subject of debate. The total charge under this head is of no formidable amount; and, as far as I can ascertain, there is no single case in which such a grant has been charged upon the Crown revenues of the province, without a substantial and adequate ground of personal desert or public policy.

45. You will ascertain what are all the liabilities to which this revenue is legally subject. His Majesty will not consent to abandon the cause of any claimant whose title may rest upon a legal foundation. No plan of surrendering to the provincial legislature the appropriation of these funds will be submitted by yourselves to the King, or proposed by His Majesty to the Assembly, which does not comprise, as an essential part of its basis, the maintenance of such legal titles.

46. I will not allow myself to suppose that, on this subject, any difference of opinion can arise between the executive government and the representatives of the Canadian people. The charge for pensions and compensation allowances will be continually diminishing; nor will it be forgotten that, by the proposed arrangement, His Majesty would surrender the exercise of the most grateful of the Royal functions, reserving to himself no funds for the reward of merit, however distinguished, but devolving entirely on the local legislature, the means of dispensing public favour, and of testifying public gratitude. But although His Majesty abstains from demanding a control over any part of the revenue of the province, for the purpose either of relieving faithful public servants when labouring under the pressure of old age or sickness, and incapable of performing their accustomed duties, or even of rewarding eminent merit, yet, as often as such cases may arise,

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His Majesty will lay his commands on the Governors of the province to prefer the claims of such persons to the justice and liberality of the House of Assembly. Nor does His Majesty doubt that to such applications the representatives of the people of Lower Canada will accord a cheerful assent.

47. I have now enumerated the various subjects which, I think, may fairly enter as conditions into any arrangement for the cession of the Crown revenue. They are, the independence of the judges; the settlement of a civil list; the management of the waste lands; and the continuance of existing pensions. If on these topics a satisfactory adjustment can be made, I am not aware that there will remain any further difficulty in the way of a compliance with the wishes of the House of Assembly on the subject of the appropriation of the provincial revenues.

48. I am not, however, insensible to the danger of overlooking, at this distance from the scene, some conditions which, on closer observation, it might seem necessary to embrace in the final settlement of a plan, at once so comprehensive and so important to the best interests of the province. During your residence in Lower Canada, some topics kindred to those to which I have adverted may present themselves to your notice; and you will not exclude from your consideration any question which may appear to you to have a material bearing on the decision to be ultimately adopted by the King. To place the financial affairs of the province on some safe and permanent basis, and thus to relieve the executive government and the two Houses of General Assembly from the unhappy distractions of the last 15 years, may be truly stated to be the main object of your mission. It will, therefore, receive your first and most careful attention.

49. I next proceed to the consideration of a subject which has given rise to long and embarrassing discussions between the executive government and the House of General Assembly; I refer to the tenures on which lands in the Province of Lower Canada are holden. Much controversy has prevailed, not only respecting the legal incidents of soccage tenure in that province, but also respecting the comparative advantages of holding land in fief and seigniorie, or in soccage, and a question has arisen whether these controversies would be more properly adjusted by Parliamentary or by provincial enactments. Convinced of the propriety of referring the whole subject to the provincial legislature, Lord Ripon embodied that principle in an Act which was passed in 1831. It has been since maintained that the language of that statute is not sufficiently precise or copious to effect the real design of its author; and it has been strongly pressed on His Majesty's Government that Parliament should be advised to repeal the Canada Tenures Act of 1825.

50. On the whole of this subject I am well convinced that the Imperial Legislature will adopt any measure distinctly recommended to them by the legislature of Lower Canada. To advance any further, except at the instance of that legislature, and with a perfect assurance of its approbation, would be to disregard every lesson to be derived from the experience of past years. No security less than the distinct declaration by the local legislature, of their wish for such a proceeding, could rescue the authors of a new Parliamentary enactment respecting Canadian tenures from the reproach of invading, in violation of the most solemn pledges, one of the admitted privileges of the Governor, Council, and Assembly. The law as it at present stands, invests the local legislature completely with the right of dealing with Acts of the Imperial Parliament relating to tenures of land in the province, and it does so, as it appears to me, in terms as ample as could possibly be selected. The principle of avoiding all unnecessary interference is, I think, more effectually respected by this delegation to the provincial legislature of the right to repeal all or any of the provisions of British Acts respecting tenures, than by a repeal of such Acts directly, or in the first instance by the British Parliament itself.

51. The more material inquiry, however, is, whether there be sufficient reason for commuting the existing feudal tenures into the tenure in free and common soccage; or for subjecting the soccage lands to any of the incidents of the tenure in fief and seigniorie; and under what tenure those lands which yet remain a part of the demesne of the Crown should hereafter be granted. Ample materials exist from which a correct judgment on this question might be drawn by persons resident in the province.

52. You will ascertain what have been the real consequences of the two different kinds of tenure on the prosperity of the different portions of the province in which they have respectively prevailed.

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53. It is stated that the pernicious effects of the feudal liabilities are to be discovered in an imperfect cultivation of the soil; in the general poverty of the inhabitants; and in a comparatively infrequent accession of new settlers. On the other hand, it is maintained that the erection of seigniories in Canada has had the effect of concentrating the inhabitants, and of thus increasing the value and effectiveness of agricultural and every other species of labour. The occupation of land in free and common soccage, again, is denounced as productive of the opposite evils of dispersion, and of opening in detached parts of the wilderness settlements, the communication between which is so difficult as to reduce each family to the embarrassments and poverty of a solitary and insulated condition. The advocates for the French tenures insist on the greater facility with which, under that system of law, land was alienated, and on the superior equity and wisdom of the rules according to which it is distributed on the death of the proprietor. The advocates for soccage tenure not only combat these statements, but proceed to insist in their turn that the feudal laws, as existing in Lower Canada, authorize a mode of conveyancing the most favourable to the fraudulent seller, and the most dangerous to the honest purchaser of land in the province. They complain that the selfish interests of particular classes have been consulted at the expense of the general good, and that in Lower Canada alone has the legislature refused to establish that open registry of all instruments affecting the title to land, which forms a part of the code of every other British colony.

54. This debate has been conducted with peculiar earnestness in reference to the tenure of property in the city and suburbs of Montreal. The seigniorial rights claimed by the ecclesiastics of the Seminary of St. Sulpice were denounced as utterly incompatible with the improvement of a great commercial city. It was alleged that during the prevalence of the feudal system in Europe all towns largely engaged in trade were emancipated from that bondage, either by Royal charter or by the silent growth of legal customs of an opposite character. Whatever may be the effect of the mutual obligation of the seigneur and the censitaire in the agricultural districts, those obligations are declared to be at variance with the spirit, and destructive to the prosperity of commerce. They are represented not only as establishing a species of servile dependence especially irksome to those who have imbibed the sentiments generated in every part of the world by extensive mercantile transactions, but as forbidding all public improvements for the extension of such dealings, and as preventing all enlargements of private buildings, to meet the progressive demands of an increasing commerce.

55. Possessing local advantages, second to those of no city on the North American continent, and formed to be the emporium of some of the wealthiest and most industrious regions of the earth, Montreal is said to have been debarred from availing herself of those advantages, and to have been depressed into comparative insignificance by the prejudicial adherence to a narrow and antiquated policy.

56. The authors of these remonstrances enforced them by the assertion that the pretended feudal rights had no legal existence, and that the seigneurie, though claimed by the Seminary of St. Sulpice, was in reality the property of the King, who was not only entitled, but bound to emancipate his tenants from this thralldom; and the exercise on the part of His Majesty of that right was invoked with the more earnestness, because a majority of the inhabitants of Montreal, and almost the entire body of those directly interested in the question, are of English origin, and utterly opposed to the opinions or prejudices entertained by their neighbours in favour of the feudal tenure. In proof of the title of the Crown, the remonstrants referred to a long series of opinions coming from all the highest authorities to whom the question could be referred.

57. It was under such circumstances that my predecessors in office entered into a negociation with the ecclesiastics of St. Sulpice for the amicable adjustment of this dispute. By some unfortunate misconception, the local government thought themselves bound to conceal from the public at large the correspondence which had taken place on this subject. This error is much to be regretted, and cannot be too speedily redressed. The effect of a complete disclosure of every word which has passed, whether orally or in writing, respecting the rights of the Crown to the seigneurie of Montreal, would be to show that Lord Ripon, anxious as he was to give every scope to the growing prosperity of the city, was yet even laboriously careful, by not advancing his demands beyond the limits which that prosperity required, to protect from all danger the great religious objects of the Seminary of St. Sulpice, and the personal welfare of the ecclesiastics by whom that

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establishment is at present represented. I do not perceive that it would be possible to add anything to the moderation or liberality of his proposals, and certainly I have no disposition to subtract anything from them. I have reason to believe that all parties are sincerely inclined to come to a just and reasonable settlement of this question, and I trust that under your auspices such a settlement may speedily be effected.

58. On the general subject of the tenures of land, whether rural or municipal, in Lower Canada, you will therefore direct your careful attention to the various topics to which I have thus cursorily adverted. The expediency, under the actual circumstances of the province, of introducing any change in the tenures either of the seigneurial or of the soccage lands; the terms on which the yet ungranted lands could be most conveniently alienated; the right of the Crown to the seigneurie of Montreal, and the propriety of enforcing that right; these are general topics which will diverge into many collateral inquiries, upon the whole of which it is necessary for the peace of the country that a comprehensive, and if possible a conclusive, investigation should take place.

59. Before I quit the subject of the Crown lands it is necessary to advert to the complaints which have been made respecting the establishment of the North American Land Company. The interposition of Parliament for this purpose is censured as an unnecessary interference with the authority of the local legislature over the internal affairs of the province.

60. Without undertaking to defend that proceeding from censure altogether, I may yet observe, that if any incorporated society is to exist in this kingdom for the settlement of lands in any of the British colonies, Parliamentary sanction is indispensable to some at least of the minor arrangements necessary for giving effect to such a purpose. Whether such companies should in any case be constituted, is therefore the real point at issue. In the province they may be established by Acts of Assembly; in Great Britain by Acts of Parliament; and either in Great Britain or in the province by Royal charter. His Majesty can have no wish to reserve to himself the exercise of this power, or to claim it for Parliament, unless it shall appear to be on the whole conducive to the general welfare of his Canadian subjects. That is a question which it is scarcely possible to solve conclusively without inquiries conducted on the spot, and by the aid of such evidence and suggestions as are not to be procured elsewhere.

61. It is an obvious objection to such schemes that they in reality delegate to private persons the office of settling the uncleared lands of the province, which office, it is said, could not be safely confided except to the government or to commissioners such as have been already described. A still more popular objection, of which I do not stop to discuss the justice, is, that the absent company withdraws from the province, in the form of profits, funds urgently required for the increase of the capital which should be devoted to local improvements. Perhaps too, some dread may be excited in the province by the effect of land companies in multiplying the number of new settlers with a far greater rapidity than would be consistent with the natural progress of immigration.

62. On the other hand it is denied that any legal impediment could be justly raised to the influx of British capital and British population; or that His Majesty could properly be advised to abstain from the exercise of the powers which the constitution has confided to him for that purpose; the right of erecting corporations by Royal charter, having been exercised in Lower Canada from its first settlement to the present day, should not, it is said, be relinquished merely because the legitimate exercise of it may be distasteful to a portion of the community. Every class of the King's subjects has an equal title to invoke the aid of His Majesty's prerogative, either for their protection or for their benefit.

63. I do not attempt to pursue any further the statement of this question. What I have already written may be sufficient to explain my motives for calling on you for a report whether it would be fit that the King should be advised to refrain from the exercise in future of the right of establishing such societies by Royal charter; and whether any pledge ought to be given against any future application to Parliament for their assistance in accomplishing such a purpose. If you should be of opinion that the power ought to be maintained, you will then consider and report whether any pledge can be judiciously given against the possible abuse of it, and whether any, and if any, what conditions can be prescribed as essential to such Royal grant hereafter.

64. The importance of the topics to which I have hitherto adverted would be very imperfectly understood, unless they were viewed in their connection with

another question to which the majority of the House of Assembly would seem to attach a yet higher interest. In the 92 Resolutions of the Session of 1834, in the address to His Majesty of that year, and in the address adopted in the Session which closed abruptly in the commencement of the present year, the constitution of the Legislative Council was insisted upon as the chief and prominent grievance in the whole system of provincial government. To the discussion of this subject, nearly half of those resolutions, and of those addresses, is devoted; and the Assembly, in the most decided language, have declared that all remedial measures will be futile and unsatisfactory which should stop short of rendering the seats in the Legislative Council dependent on a popular election.

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65. The petitioners of Quebec and Montreal, on the other hand, deprecate with equal earnestness any departure from the principle on which the appointment of the members of the Legislative Council is regulated by the Act of 1791, and denounce any such change as pregnant with the most formidable evils.

66. The King is most unwilling to admit, as open to debate, the question whether one of the vital principles of the provincial government shall undergo alteration. The solemn pledges so repeatedly given for the maintenance of that system, and every just prepossession derived from constitutional usage and analogy, are alike opposed to such innovations, and might almost seem to preclude the discussion of them.

67. But His Majesty cannot forget that it is the admitted right of all his subjects to prefer to him, as King of these realms, their petitions for the redress of any real or supposed grievances. His Majesty especially recognises this right in those who are themselves called to the high office of representing a large and most important class of his people. The acknowledgment of that right appears to the King to imply on his own part, the corresponding duty of investigating the foundations of every such complaint. His Majesty therefore will not absolutely close the avenue to inquiry, even on a question respecting which he is bound to declare that he can for the present perceive no reasonable ground of doubt. His Majesty will not refuse to those who advocate such extensive alterations, an opportunity of proving the existence of the grievances to which so much promineney has been given.

68. The King is rather induced to adopt this course, because His Majesty is not prepared to deny that a statute which has been in effective operation for something less than forty-three years may be capable of improvement, or that the plan upon which the Legislative Council is constituted may possibly in some particulars be usefully modified; or that in the course of those years some practical errors may have been committed by the Council, against the repetition of which adequate security ought to be taken. Yet if these suppositions should be completely verified, it would yet remain to be shown, by the most conclusive and circumstantial proof, that it is necessary to advance to a change so vital as that which is demanded by the House of Assembly.

69. It must be recollected that the form of provincial constitution in question is no modern experiment nor plan of government, in favour of which nothing better than doubtful theory can be urged. A Council nominated by the King, and possessing a co-ordinate right of legislation with the representatives of the people, is an invariable part of the British colonial constitution in all the Transatlantic possessions of the Crown, with the exception of those which still remain liable to the Legislative authority of the King in Council. In some of these colonies it has existed for nearly two centuries. Before the recognition of the United States as an independent nation, it prevailed over every part of the British possessions in the North American continent, not comprised within the limits of colonies founded by charters of incorporation. The considerations ought indeed to be weighty which should induce a departure from a system recommended by so long and successful a course of historical precedent.

70. To the proposal made by that body to refer the consideration of this question to public conventions, or, as they are termed primary meetings, to be holden by the people at large in every part of the province, His Majesty commands me to oppose his direct negative. Such appeals are utterly foreign to the principles and habits of the British constitution, as existing either in this kingdom or in any of the foreign dependencies of the Crown.

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71. You will therefore apply yourselves to the investigation of this part of the general subject, endeavouring to ascertain how far the Legislative Council has really answered the original objects of its institution; and considering of what amendments it may be susceptible. It is His Majesty's most earnest hope and trust that in the practical working of the constitution of the province, there will be found to exist, no defects which may not be removed by a judicious exercise of those powers which belong to the Crown, or which Parliament has committed to the provincial legislature.

72. When your report shall have been received, His Majesty will take into his most serious consideration the question whether there are any amendments in the law on this subject, which it would be fit to propose for the consideration of the Imperial Legislature; and which being founded on the principles, and conceived in the spirit of the Act of 1791, may be calculated to render the practical operation of that statute more conformable to the wishes and intentions of its framers.

73. There is one complaint closely connected with the topic referred to, of which I do not find any notice in the Resolutions of the Assembly. The constitution of Lower Canada consists of various branches or members, to each of which Parliament has assigned such functions as were thought necessary to counterbalance the danger of abuse in the other organs of government.

If the balance be disturbed, a counterpoise would be required to rectify the disturbance. It is earnestly maintained by many, that the House of Assembly does not supply a fair representation of the Canadian people; that the constituencies throughout the province are so arranged as to insure the return of a much larger proportion of members in the interest of the Canadians of French descent, than is warranted either by their numbers or their property; and that neither the commercial interest, nor the landholders in the townships, are protected in the popular branch of the legislature with any just regard to their importance, or to the wealth and number of the persons embraced in those classes. The Canadians of British descent have been therefore, it is said, accustomed to look to the Legislative Council for defence against the partiality which they ascribe to the members of the House of Assembly.

74. On the truth and justice of these representations, it is not for me here to pronounce an opinion. But assuming them to be true, it is clear that the existence of such a state of things would throw additional difficulties round an attempt to modify the Legislative Council.

75. It will be necessary for you to inquire into the truth of these allegations. This duty indeed you are bound to perform, with a view to the general interests of the colony, even independently of any reference to its bearing on the construction of the Legislative Council. The number of persons of British or of French birth or origin actually sitting in the Assembly will of course afford a most imperfect criterion of the influence by which their seats may have been obtained, and of the course of policy to which they will habitually incline. The material question respects the national character and prepossessions rather of the several constituencies, than of the different members. Lower Canada must also be viewed as a country in which the limits of settlement and cultivation are continually widening. It requires therefore an elective system, resting on a principle such as shall accommodate itself to changes which are taking place in the circumstances of the electors, with a magnitude and rapidity to which there is no parallel in the communities of Europe.

76. If your inquiries should lead you to the conclusion, that a change in the Law of Election in Lower Canada is necessary or desirable, it will be right that the change should, if possible, be effected, not by an Act of Parliament, but by an Act of the local legislature.

77. The composition of the executive council has also been made the subject of censure. It is maintained that the members of the body are incompetent to the judicial duty with which they are charged, and unfit to act as the confidential advisers of the Governor in their more appropriate office of aiding in the execution of his administrative authority. Hence, it is said, has arisen the habit of appealing, with inconvenient frequency, to the Secretary of State, on many questions which might more advantageously have been disposed of in the province itself. To this practice

practice is ascribed not only much needless delay in the dispatch of public business, but the mischief inseparable from bringing the ultimate and supreme executive authority into needless collision with individuals and with the two Houses of Legislature.

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78. So far as these complaints refer to the appellate jurisdiction of the executive councillors, there appears an unanimity so entire amongst all the parties concerned, that the only subject of inquiry is, by what means that jurisdiction can be most speedily and advantageously transferred to a more appropriate tribunal. But, on the other branch of the subject, there is a wider scope for investigation.

79. I am disposed to doubt whether the number of the members of the executive council might not be reduced with advantage to the community. In the Indian presidencies, as well as in all the new British colonies, the number is limited to three or four. A much larger number would seem scarcely compatible either with promptitude, secrecy, and a due sense of personal responsibility; or with calmness of deliberation, freedom from party dissensions, and exemption from the danger of inconvenient compromise. If three members only had seats at the board, it might at once be reasonable to impose, and possible to enforce, the observance of the rule, that on all questions of importance the Governor should be bound to explain to the board his own opinions, and to receive from them, in return, an explanation of theirs. This, however, is a subject on which His Majesty is not, at the present moment, disposed to act without the aid of your judgment and report.

80. I would not, however, exclude from your consideration any proposal of which it is the professed object to render the Executive Council a more effective instrument of good government. You will therefore report whether there are any practicable amendments which, on the whole, it would be desirable to adopt, either in the mode of convening, of consulting, or of remunerating the members of this body, or regarding the tenures of their seats.

81. The state of education in Lower Canada must engage your most serious attention, with a view to the best means of promoting the more general diffusion of sound learning, religious knowledge, and Christian principle. Of His Majesty's anxiety in regard to these paramount objects, it would be difficult to speak in terms sufficiently emphatic. But the earnest endeavours of my predecessors on this subject have been so repeatedly frustrated, that I suspect the existence of some obstacles of which the Home Government is not aware. Amidst the heat of contention on questions comparatively of slight temporary concern, this momentous and permanent interest of the whole Canadian people may have been overlooked. Sufficient attention, perhaps, has not been given to the essential distinctions between the state of society in this kingdom and in the province. It may have been forgotten that in a new country, pressing forward in the career of agricultural and commercial enterprize, it is far more impolitic than in this kingdom to calculate on the voluntary exertions of those who combine the advantages of wealth and leisure with practical experience in public affairs. If His Majesty's Government have not hitherto addressed themselves with sufficient promptitude to the duty of devising and recommending well-considered plans, for an object so nearly touching the moral and intellectual no less than the social benefit of the Canadian people, it is an error which cannot be too frankly confessed nor too zealously redeemed.

82. You will therefore apply yourselves to the collection of all such intelligence as may be necessary for framing a general system of provincial education, embracing not the mere rudiments of literature, but all that relates to the culture of the minds and the development of the moral and religious principles of youth in the different ranks of society. This is a task, the due performance of which requires so intimate an acquaintance with the character and wants of the people, that I doubt whether, within the time of your residence in Canada, it will be possible for you to be completely prepared to form a deliberate conclusion on a question thus comprehensive. It will, however, be of great value if a commencement can be made, resting on a solid basis, on which, aided by the co-operation of the Governor, a more complete structure may hereafter be erected by the Legislative Council and Assembly. I am sanguine in the hope that such will be the result of your inquiries and your report.

83. The last topic to which I shall refer in my present communication is, the distribution between the Provinces of Lower and Upper Canada of duties, levied under

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under Acts of Parliament or Statutes of the Lower Province, at the ports in the River St. Lawrence. The interposition of Parliament to apportion these funds was dictated and justified by necessity. Between two great dependencies of the empire, at variance on a question of the deepest interest to both, Parliament assumed an authority to mediate, not with a view to any interest exclusively or principally British, but for the sake of objects altogether Canadian. Still it has never been disputed or concealed, that this intervention was accompanied by the exercise of an extreme right, nor have His Majesty's Government ever been slow to seize every opportunity for remitting the decision of this dispute to the legislatures, within whose cognizance the question properly falls. You will make it your business to inquire whether such an adjustment of the rights of the two provinces, satisfactory to them both, can be devised, as would justify the repeal of the Canada Trade Act. If any such project can be matured, His Majesty's Government would be happy to introduce into Parliament the necessary measure for accomplishing that repeal.

84. It appears from the records of this office that my immediate predecessor, the Earl of Aberdeen, investigated with great diligence the question whether the recommendations of the House of Commons' Committee of 1828, on Canadian Affairs, had been completely executed. The result of those inquiries his Lordship embodied in a Minute of which I have the honour to enclose a copy for your information. In reliance on the habitual accuracy of Lord Aberdeen, I think myself entitled confidently to maintain with him, that to each of the recommendations of that Committee, the King has given complete effect to the utmost extent of His Majesty's constitutional authority; that in obedience to His Majesty's commands, the most pressing instances have been made to the Legislative Council and Assembly to accomplish every other part of the designs of that Committee to which legislative aid was indispensable; and further, that so frank and cordial was the spirit in which those concessions were made, that on every one of the principal topics included in the Report of 1828, His Majesty spontaneously advanced considerably beyond the limits recommended by its authors.

85. This, however, is a general conclusion of so much importance, and enters so largely into the justification of the policy observed by the King, from the commencement of his reign, towards his Canadian people, that His Majesty is not satisfied that it should rest merely on the revision undertaken by his own confidential servants, of the events of the last seven years. Desiring that it should be brought to the test of the most rigid and impartial inquiry, His Majesty commands me to instruct you, on your arrival in Lower Canada, to ascertain and to report whether the recommendations of the Canada Committee of 1828 have, to the full extent of His Majesty's authority and legitimate influence, been carried into complete effect; or whether there is any, and if any, what part of their advice which it yet remains with his Majesty to execute.

86. I have now adverted to all the topics which it is necessary to comprise in the present communication; I have accompanied them with such observations as the occasion seemed to require. In offering those observations I must again disclaim the remotest intention of fettering your discretion or of restricting in any degree the exercise of your own judgement, either as to the subjects of inquiry or the opinions at which you may arrive. In the course of your investigations new topics will occur to you, and new views of topics already familiar will present themselves. You will not on any occasion, or for any reason, shrink from the explicit declaration of your sentiments. You will not decline any inquiry, the prosecution of which may promise benefit to the colony or the mother country. You cannot err, either in the selection or in the treating of questions, if you steadily bear in view the purpose for which His Majesty has been induced to entrust you with the execution of this commission, and the obligation under which you are placed to contribute, by every means in your power, to the accomplishment of that gracious purpose.

I have, &c.

(signed) *Glenelg*,

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Enclosure 1, in No. 1.

To the KING's most Excellent MAJESTY.

The Petition of the undersigned Inhabitants of *Lower Canada*,Enclosure 2,
in No. 1.Petition of
Inhabitants of
Lower Canada.

Humbly sheweth,

THAT your Petitioners, deeply sensible of their obligations as subjects of Your Majesty, and of the many and important advantages which they enjoy in common with their fellow subjects in this province, are devoted to the maintenance of its connexion with Great Britain and Ireland, and the empire of which it is their pride and happiness to form a part.

That among the advantages to be derived from this connexion, there is none which they more highly prize than that settled government, constitutional freedom, and security of person and property, which the experience of ages has proved pre-eminently to distinguish the British constitution of government, firmly supported as it has been, by the intelligence and wisdom of a public-spirited and patriotic people.

That the gratitude of your petitioners is justly due to the British Parliament for the Act passed in the thirty-first year of the reign of his late Majesty George the Third, for making further provision for the government of this province.

That it was manifestly intended by the said Act, to secure to all Your Majesty's subjects therein, the benefits of the British constitution of government, in so far as the circumstances of the Colony would permit, and as was consistent with its dependence on the parent state, and a just subordination to its authority.

That it is with the deepest regret your petitioners have perceived, by the experience of the forty-two years during which the said Act has been in force, that various causes have come into operation, which have materially diminished, and now threaten to destroy, the benefits intended.

When Canada was ceded to the British Crown by the Treaty of Paris in 1763, it contained a population of about sixty thousand souls who had been subjects of His most Christian Majesty.

In virtue of the capitulation of Canada, in 1760, this population became British subjects, and were maintained in their property, and by the Act of the British Parliament of the fourteenth George the Third, chapter eighty-three, the laws usages and customs of Canada were continued to them; and in other respects they have become entitled to the enjoyment of all rights, liberties and franchises which belong to or have been granted to the inhabitants of this province.

That the said inhabitants, formerly subjects of His most Christian Majesty, and their descendants, under the protection of the said laws and privileges, have since increased to the number of four hundred thousand souls, and retained every characteristic of a distinct people; while those of Your Majesty's subjects who have come into and settled in this province from other parts of Your Majesty's dominions, as well as their descendants, now amounting to about one hundred and fifty thousand souls, have retained a character equally distinct.

In such circumstances, your petitioners humbly conceive, that under whatever form of government the colony might have been placed, the utmost discretion, liberality and mutual forbearance, were necessary to prevent the ordinary competitions of life from disturbing the harmony of society, endangering the public peace, and injuriously affecting the general welfare.

Your petitioners cheerfully bear testimony to the excellent character of the great body of their fellow subjects of French origin; to their tried fidelity to the British Government, and their just claims to Your Majesty's gracious favour and protection: but when to the unavoidable sources of collision aforementioned, were added those inseparable from the contentions of popular assemblies, and the ambition of their leading members, depending for their political existence, personal importance, and the effecting of their views, on the suffrages of the majority of the people, the danger of excitements and collisions between the two populations before mentioned became imminent.

It had besides unfortunately happened that the French colonists of Canada had no share or influence in its legislation and government while it belonged to France. Their descendants were not therefore trained by experience, education and habits, for a government of a more popular form. They were without a sufficient number of men of enlarged and liberal views, embracing all interests in the colony and its relations with the parent state, to discharge the high and important functions of legislators; and the events of war had left among the people feelings and prejudices, apprehensions and jealousies, not easily to be eradicated under the government of a people with whom they had so frequently been involved in hostilities.

In consequence of these circumstances, and the liberal provisions of the aforementioned Acts of the British Parliament, the constitution of the representative branch of the government of the province entirely depended upon the majority of the population of French origin, and the whole powers of that branch inevitably fell into their hands, or rather into the hands of the leading men amongst them, who, in many instances, participated in the popular prejudices, jealousies and suspicious against the population not of their origin.

The evils arising from this state of things, have been greatly increased and aggravated by the Act of the Imperial Parliament placing at the disposal of the Assembly, absolutely and unconditionally, as it is understood by that body, the important revenue by means of which

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the civil expenditure of the province was previously defrayed. By this increase to the power derived from great numerical superiority in the Assembly, have been superadded the irresistible weight and influence necessarily conjoined with the exclusive power of appropriating the revenues indispensably requisite for defraying the civil expenditure of the province, by means of which the executive government has been rendered entirely dependent on the will and pleasure of the leaders in the Assembly for its very existence, and public authority, both administrative and judicial, from the Governor-in-Chief and the Chief Justice of the province to the most humble individual in the scale of office, has been subjected to their interested, partial, vindictive or capricious control.

Your petitioners have seen with sincere regret and alarm, that the powers of the Assembly have been exercised by the leaders in that body, with a spirit of decided hostility to Your Majesty's Government, of disregard for the peace and welfare of the province, and with ill-disguised projects of exclusion and proscription against Your Majesty's subjects not of their national origin, and even against those of their own origin who were not disposed to support them in their unjust and pernicious views.

Your petitioners humbly represent, that at the late general election this spirit of exclusion and proscription has been carried to the extent, that although the population not of French origin amounts to more than one-fourth of the population, it has not been able to return more than fourteen members of the choice of the electors, or representing their views and interests, out of a House composed of eighty-eight members, and that the whole of the population not of French origin in the cities and counties of Quebec and Montreal, although they nearly equal the French population in number, have not been able to return one member of their choice out of twelve.

This result, which in fact leaves a population having great and permanent interests in the province, and contributing a very large proportion of the public revenue, without even the power of being heard in the legislature of the country by any person of their choice or responsible to them, has been facilitated by an unjust and faulty distribution of the elective franchise; by including the new and growing settlements of persons not of French origin in counties where that origin predominates, and where their votes are lost; and by the incessant and systematic efforts of the leading characters in the House of Assembly of French origin, to depress and vilify the population not of their origin, with a manifest tendency to subject their persons and property, and the whole country, to the arbitrary rule and control of these characters, through the instrumentality of a majority acting and held together under the impulses of national prejudices and feelings.

It is with the deepest regret and alarm that your petitioners have witnessed the progress of the various attempts made in the House of Assembly, tending to the aforementioned purposes, as recorded in the Journals of that House. They have refused or neglected to co-operate in the gracious and beneficent intentions of Your Majesty's Government, for the redress of grievances, the remedy of abuses, and for the advancement of the public prosperity; they have vilified and endeavoured to destroy another and co-ordinate branch of the legislature, established under and in virtue of the authority of the aforementioned Act of the British Parliament; promoted and countenanced tumultuous and riotous assemblies and proceedings; endeavoured to bring the administration of justice into contempt; diverted the privileges of the Assembly entrusted to them for the protection of popular rights, to the destruction of these rights; they have, avowedly, in their legislative capacity, acted upon distinctions of national origin among Your Majesty's subjects; have sanctioned these distinctions by their resolutions of the 21st of February 1834; invited the formation of committees and conventions; authorized them to contract loans on the eve of a general election; pledged the honour of the representatives of the people to pay the expenditures of these committees and conventions out of the public monies; and publicly threatened to apply elsewhere, than to the constituted authorities in the province and to the supreme authority of the British Parliament, for a remedy of alleged grievances.

Your petitioners further represent that these proceedings have already entailed heavy losses on your petitioners and the country, by the diminution of confidence in the security of property and its consequent depreciation in value; by the interruption of useful undertakings; the suspension of public improvements; the decrease of employment; the continuance of various abuses; and the spreading of hatred and ill will; threatening long and fatal dissensions, dangerous to the peace, freedom and prosperity of the province, and prejudicial to the interests and character of the British Nation and Government.

Suffering under and exposed to so many evils, your petitioners cannot even look for consolation and protection to an independent and well-organized administration of justice, which is so essential to the well-being of every society. The judges are held in a state of dependence on the House of Assembly for their subsistence, notwithstanding Your Majesty's gracious concession that their commissions should be held during good behaviour, on their salaries being permanently provided for. The system of judicature established by Act of the Provincial Legislature, in 1794, is still maintained, although it has become manifestly unsuited to the present state and condition of the province. From the extension of the settlements and the increase of the population, the courts of original jurisdiction have become inaccessible to the inhabitants at a distance from them, otherwise than at a ruinous expense, involving in many cases, a denial or failure of justice; while the Court of Appeals, from its peculiar constitution, is unfit for the exercise of the powers with which it is entrusted.

Your petitioners observe with regret, in the present state of the province, that the Executive Council, both as respects the number of its members and its composition, is too defective to answer the purposes of its institution. In every well-regulated government, your
petitioners

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petitioners most humbly conceive, that the executive authority should be aided by the advice of able and well-informed individuals acting together in a body, by which sound discretion, uniformity, consistency and system are imparted to its measures; and that among colonial governments, which are generally administered by persons labouring under the disadvantage of a deficiency of local information, assistance of this nature is indispensable to the ends of good government.

Whilst the greatest importance ought to be attached to the selection of fit persons for seats in the Legislative Council, it is indispensably necessary for the stability of the government and the security of His Majesty's subjects within the province, that the power of appointing members to that branch of the legislature, should continue to reside, exclusively, in the Crown, but subject to such regulations as may be deemed proper for ensuring the appointment of fully qualified persons.

Your petitioners, confiding in Your Majesty's wisdom and paternal regard for all Your Majesty's subjects,

Humbly pray:

That Your Majesty would be graciously pleased to take the premises into consideration, that justice be done therein; and, particularly, that they be secured in their just right of a fair and equitable representation in the Provincial Assembly, and otherwise protected in their rights as British subjects, and in the full enjoyment of constitutional government.

And your Petitioners, as in duty bound, will ever pray.

Province of Lower Canada, }
5 February, 1835.

Enclosure 2, in No. 1.

To the KING's Most Excellent MAJESTY.

The Petition of the undersigned Inhabitants of *Lower Canada*, resident in the District of *Montreal*,

Humbly sheweth,

That your Petitioners, deeply sensible of their obligations as subjects of Your Majesty, and of the many and important advantages which they enjoy in common with their fellow-subjects in this province, are devoted to the maintenance of its connexion with Great Britain and Ireland, and the empire of which it is their pride and happiness to form a part.

That among the advantages to be derived from this connexion, there is none which they more highly prize than that settled government, constitutional freedom, and security of person and property, which the experience of ages has proved pre-eminently to distinguish the British constitution of government, firmly supported, as it has been, by the intelligence and wisdom of a public-spirited and patriotic people.

That the gratitude of your petitioners is justly due to the British Parliament for the Act passed in the 31st year of the reign of his late Majesty George the Third, for making further provision for the government of this province.

That it was manifestly intended by the said Act to secure to all Your Majesty's subjects therein the benefits of the British constitution of government, in so far as the circumstances of the Colony would permit, and as was consistent with its dependence on the parent state, and a just subordination to its authority.

That it is with the deepest regret your petitioners have perceived, by the experience of the 42 years during which the said Act has been in force, that various causes have come into operation which have materially diminished, and now threaten to destroy, the benefits intended.

When Canada was ceded to the British Crown by the Treaty of Paris in 1763, it contained a population of about 60,000 souls, who had been subjects of His most Christian Majesty.

In virtue of the capitulation of Canada, in 1760, this population became British subjects, and were maintained in their property, and by the Act of the British Parliament of the 14th Geo. III. cap. 83, the laws, usages and customs of Canada were continued to them, and in other respects they have become entitled to the enjoyment of all rights, liberties and franchises which belong to, or have been granted to, the inhabitants of this province.

That the said inhabitants, formerly subjects of His most Christian Majesty, and their descendants, under the protection of the said laws and privileges, have since increased to the number of 400,000 souls, and retained every characteristic, of a distinct people, while those of Your Majesty's subjects who have come into and settled in this province from other parts of His Majesty's dominions, as well as their descendants, now amounting to about 150,000 souls, have retained a character equally distinct.

In such circumstances your petitioners humbly conceive that, under whatever form of government the Colony might have been placed, the utmost discretion, liberality and mutual forbearance were necessary to prevent the ordinary competitions of life from disturbing the harmony of society, endangering the public peace, and injuriously affecting the general welfare.

Your petitioners cheerfully bear testimony to the excellent character of the great body of their fellow subjects of French origin, to their tried fidelity to the British Government, and their

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resident in
Montreal.

their just claims to Your Majesty's gracious favour and protection; but when, to the unavoidable sources of collision aforementioned, were added those inseparable from the contentions of popular assemblies, and the ambition of their leading members, depending for their political existence, personal importance, and the effecting of their views, on the suffrages of the majority of the people, the danger of excitements and collisions between the two populations beforementioned became imminent.

It had besides fortunately happened that the French colonists of Canada had no share or influence in its legislation and government while it belonged to France. Their descendants were not therefore trained by experience, education and habits, for a government of a more popular form. They were without a sufficient number of men of enlarged and liberal views, embracing all interests in the colony and its relations with the parent state, to discharge the high and important functions of legislators; and the events of war had left among the people feelings and prejudices, apprehensions and jealousies, not easily to be eradicated under the government of a people with whom they had so frequently been involved in hostilities.

In consequence of these circumstances, and the liberal provisions of the aforementioned Acts of the British Parliament, the constitution of the representative branch of the government of the province entirely depended upon the majority of the population of French origin, and the whole powers of that branch inevitably fell into their hands, or rather into the hands of the leading men among them, who in many instances participated in the popular prejudices, jealousies and suspicions, against the population not of their origin.

The evils arising from this state of things have been greatly increased and aggravated by the Act of the Imperial Parliament placing at the disposal of the Assembly, absolutely and unconditionally, as it is understood by that body, the important revenue by means of which the civil expenditure of the province was previously defrayed. By this increase to the power derived from great numerical superiority in the Assembly, have been superadded, by the irresistible weight and influence necessarily conjoined with the exclusive power of appropriating the revenues indispensably requisite for defraying the civil expenditure of the province, by means of which the executive government has been rendered entirely dependent on the will and pleasure of the leaders in the Assembly for its very existence; and public authority, both administrative and judicial, from the Governor-in-Chief and the Chief Justice of the province to the most humble individual in the scale of office, has been subjected to their interested, partial, vindictive or capricious control.

Your petitioners have seen with sincere regret and alarm that the powers of the Assembly have been exercised by the leaders in that body with a spirit of decided hostility to Your Majesty's Government, of disregard for the peace and welfare of the province, and with ill-disguised projects of exclusion and proscription against Your Majesty's subjects not of their national origin, and even against those of their own origin who were not disposed to support them in their unjust and pernicious views.

Your petitioners humbly represent, that at the late general election this spirit of exclusion and proscription has been carried to the extent that, although the population not of French origin amounts to more than one-fourth of the population, it has not been able to return more than 14 members of the choice of the electors, or representing their views and interests, out of a House composed of 88 members, and that the whole of the population not of French origin in the cities and counties of Quebec and Montreal, although they nearly equal the French population in number, have not been able to return one member of their choice out of twelve.

This result, which in fact leaves a population having great and permanent interests in the province, and contributing a very large proportion of the public revenue, without even the power of being heard in the legislature of the country by any person of their choice, or responsible to them, has been facilitated by an unjust and faulty distribution of the elective franchise, by including the new and growing settlements of persons not of French origin in counties where that origin predominates, and where their votes are lost; and by the incessant and systematic efforts of the leading characters in the House of Assembly of French origin to depress and vilify the population not of their origin, with a manifest tendency to subject their persons and property, and the whole country, to the arbitrary rule and control of these characters, through the instrumentality of a majority acting and held together under the impulses of national prejudices and feelings.

It is with the deepest regret and alarm that your petitioners have witnessed the progress of the various attempts made in the House of Assembly, tending to the aforementioned purposes, as recorded in the Journals of that House. They have refused or neglected to co-operate in the gracious and beneficent intentions of Your Majesty's Government for the redress of grievances, the remedy of abuses, and for the advancement of public prosperity; they have vilified and endeavoured to destroy another and co-ordinate branch of the legislature, established under and in virtue of the authority of the aforementioned Act of the British Parliament; promoted and encouraged tumultuous and riotous assemblies and proceedings; endeavoured to bring the administration of justice into contempt; diverted the privileges of the Assembly, entrusted to them for the protection of popular rights, to the destruction of these rights; they have avowedly, in their legislative capacity, acted upon distinctions of national origin among Your Majesty's subjects; have sanctioned these distinctions by their resolutions of the 21st of February 1834; invited the formation of committees and conventions; authorized them to contract loans on the eve of a general election; pledged the honour of the representatives of the people to pay the expenditures of these committees and conventions out of the public monies; and publicly threatened to apply elsewhere

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elsewhere than to the constituted authorities in the province, and to the supreme authority of the British Parliament, for a remedy of alleged grievances.

Your petitioners further represent, that these proceedings have already entailed heavy losses on your petitioners and the country, by the diminution of confidence in the security of property, and its consequent depreciation in value; by the interruption of useful undertakings, the suspension of public improvements, the decrease of employment, the continuance of various abuses, and the spreading of hatred and ill-will, threatening long and fatal dissensions, dangerous to the peace, freedom and prosperity of the province, and prejudicial to the interests and character of the British nation and government.

Suffering under and exposed to so many evils, your petitioners cannot even look for consolation and protection to an independent and well-organized administration of justice, which is so essential to the well-being of every society. The judges are held in a state of dependence on the House of Assembly for their subsistence, notwithstanding Your Majesty's gracious concession, that their commissions should be held during good behaviour, on their salaries being permanently provided for. The system of judicature established by Act of the Provincial Legislature in 1794 is still maintained, although it has become manifestly unsuited to the present state and condition of the province. From the extension of the settlements, and the increase of the population, the courts of original jurisdiction have become inaccessible to the inhabitants at a distance from them, otherwise than at a ruinous expense, involving in many cases a denial or failure of justice, while the Court of Appeals, from its peculiar constitution, is unfit for the exercise of the powers with which it is entrusted. Although for a period of 42 years the Provincial Legislature has been engaged in legislating for the internal affairs of the province, and is invested with ample powers to advance the social and political prosperity of the country, your petitioners remain subject to a system of feudal law, derived from France, which has been found to impede the progress of improvement, is oppressive in its character, and not in accordance with the wants of the age. Throughout the seigneuries of Lower Canada, within the limits of which are comprised the populous and commercial cities of Quebec and Montreal, upon the sale of real property, the feudal lord exacts from the purchaser a fine equal to one-twelfth part of the price, a claim which recurs with each successive sale; thus every person who clears or otherwise improves a farm, or erects a building either in town or country, bestows one-twelfth part of his outlay on the seigneur whenever the property is brought to sale. From the want of an Act for the registration of real property, the validity of a title cannot be ascertained except by a course of expensive proceedings through the courts of law, but secret incumbrances may still exist, unaffected by that procedure, for whose discovery no means are afforded; hence the difficulty of borrowing money on mortgage, and the frequent seizure and forced sale of real estates.

The right assumed by the House of Assembly (and tacitly acknowledged by Your Majesty's Government) to prefer charges against persons in authority for crimes and misdemeanors in office, is essential to the due administration of public trusts, and the enforcement of the responsibility of public officers; but the acknowledgment of such right proves the necessity of a tribunal within the province before which persons accused may have the benefit of a prompt and full investigation of the charges preferred against them, without which the right to accuse is pregnant with evil, tending to render public functionaries timid in the discharge of their official duties, and thereby to sap the very foundation of order and good government.

Your petitioners observe with regret, in the present state of the province, that the Executive Council, both as it respects the number of its members and its composition, is too defective to answer the purposes of its institution. In every well-regulated government, your petitioners most humbly conceive that the executive authority should be aided by the advice of able and well-informed individuals acting together in a body, by which sound discretion, uniformity, consistency and system are imparted to its measures, and that among colonial governments, which are generally administered by persons labouring under the disadvantage of a deficiency of local information, assistance of this nature is indispensable to the ends of good government.

Whilst the greatest importance ought to be attached to the selection of fit persons for seats in the Legislative Council, it is indispensably necessary for the stability of Government and the security of His Majesty's subjects within the province, that the power of appointing members to that branch of the Legislature should continue to reside exclusively in the Crown, but subject to such regulations as may be deemed proper for ensuring the appointment of fully qualified persons.

Your petitioners, confiding in Your Majesty's wisdom and paternal regard for all Your Majesty's subjects,

Humbly pray,

That Your Majesty would be graciously pleased to take the premises into consideration, that justice be done therein, and particularly that they be secured in their just right of a fair and equitable representation in the Provincial Assembly, and otherwise protected in their rights as British subjects, and in the full enjoyment of constitutional government.

And your petitioners, as in duty bound, will ever pray.

Montreal, Province of Lower Canada, 1835.

Enclosure 2,
in No. 1.

Petition of
Inhabitants of
Lower Canada,
resident in
Montreal.

Enclosure 3,
in No. 1.

Enclosure 3, in No. 1.

Petition of
Members serving
in the Assembly of
Lower Canada.

50. The humble Petition of the Members elected to serve in the Assembly of Lower Canada, and of the Members forming the minority of the Legislative Council, who partake of the opinions of the people,

Sheweth,

That during the Session of the Imperial Parliament the Commons of the Province of Lower Canada, in the name of the people whom they represent, approached your honourable House by petition, dated from Quebec, on the 1st day of March 1834; setting forth the grievances which the people of the said province suffered, arising out of the vicious principles upon which their political institutions are based, aggravated by a series of arbitrary administrations to which the province has been subjected.

That the inquiry which was instituted before a Select Committee appointed by your Honourable House, upon Canada affairs, on the 15th April 1834, induced the people of Lower Canada to hope that not only would the prayer of their petition be listened to, but that the grievances therein set forth, which your petitioners have reason to believe were fully supported, would be immediately redressed.

That this hope, which your petitioners cannot deem unreasonable, was still further strengthened by the retirement of His Majesty's late Secretary of State for the Colonies, the Right honourable E. G. Stanley, and the subsequent appointment of the Right honourable T. Spring Rice; the more especially after the repeated declarations of the Right honourable the Secretary of State for the Colonies, that His Majesty's Government was actuated by the strongest desire to render justice to the people of this province, by removing the various abuses under which they suffer, and affording to them security against the recurrence thereof.

That your petitioners, however, regret to state, that not only does the said petition of the Commons of Lower Canada to your honourable House seem to have been totally neglected, but that new abuses have been inflicted upon the people of this province, which, if not speedily removed, will tend to increase to an alarming degree the discontents which have so long prevailed, and will ultimately alienate the affections of the people even from the Government of England itself.

That among the additional grievances of which the people of this province have to complain, your petitioners would invite the attention of your honourable House to the fact, that his Excellency Matthew Lord Aylmer is still continued in the government of this province, after having been formally accused in the aforesaid petition of "illegal, unjust and unconstitutional conduct," and after having borne himself towards the representatives of the people of Lower Canada in a manner insulting to a body intrusted with legislative functions, and destructive of the respect which should be due to His Majesty's representative.

That the acts of the Governor-in-Chief, of which the people of this province still have to complain, were for the most part enumerated in the aforesaid petition to your honourable House; that since that time the vindictive and bitter feelings, together with the arbitrary and unbecoming conduct which his Excellency has displayed towards the people of this province, have created an universal feeling of discontent towards his Excellency's administration.

That among the just subjects of complaint against the present administration of this province, the system which is exhibited in the distribution of offices necessarily holds a conspicuous place; that the chief recommendation to office continues to be a display of marked and bitter animosity towards the majority of the people of this province; that it is seldom men of French-Canadian origin find their way into office under any circumstances; but when they are appointed, it is not until they have alienated themselves from the sympathies of the people, and allied themselves with the factious minority opposed to the wishes and interests of the country; and that even the sacred character of justice has again been recently polluted in its source by the appointing to the high office of Judge of the King's Bench for the district of Montreal a man who was a violent and decided partisan of the administration of the Earl of Dalhousie, and the declared enemy of the laws which he is sworn to administer; and also by the appointment of a great number of commissioners for the trial of small causes in different parts of the country, intentionally selected on the eve of a general election, from among the notorious partisans of the present administration.

That another cause of complaint, which has arisen since the aforesaid petition of the Commons of Lower Canada to your honourable House, is the culpable indifference betrayed by the Governor-in-Chief on the subject of the frightful ravages committed by the Asiatic cholera during the last summer; that a few days after the existence of the dreadful scourge in the city of Montreal was ascertained, the corporation of the said city, in accordance with its strict line of duty, passed a series of resolutions, authorizing an application to the Governor-in-Chief for an extension of the quarantine regulations to the port of Montreal, and for an aid, for the purpose of forwarding the destitute emigrants to their destination; that the answer of the Governor was more than a bare refusal; it was marked by coldness and insult; that your petitioners are firmly of opinion that the virulence which the disease subsequently assumed in the said city of Montreal would have been considerably mitigated had the head of the administration complied with the prayer of the corporation; and that the people of the country generally, and more especially the surviving relatives of the one thousand three hundred victims who died in Montreal, and of the thousands in the province who have fallen victims to the disease, look upon the conduct of his Excellency as one of the principal causes of their sufferings and bereavement.

That

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That since the aforesaid petition of the Commons of Lower Canada, your honourable House, in whose deliberations be it remembered the people of this province have no voice, have sanctioned the sale of lands belonging to this province to several individuals using the title of "The British North American Land Company," and thereby have taxed this colony, contrary to the most important and indisputable of the birthrights of British subjects, which were more particularly acknowledged and confirmed to colonies with local legislatures, by the faith and honour of the British Parliament, pledged by the declaratory Act of 1778, the violation of which principle, recognised in said Act, led to the rightful and successful resistance of the former British colonies and dismemberment of the British empire; that your petitioners, viewing with alarm such an encroachment upon their political privileges, would fain believe that it has been made without duly considering their constitutional rights and the provisions of the said declaratory Act; that your petitioners nevertheless solemnly protest against this violation of the most sacred rights of the people of Lower Canada, and pray for the immediate repeal of the Act passed in favour of the said Land Company; that your petitioners have reason to believe that the said tax is now being paid into the colonial chest of this province for the disposal of the Executive, without the sanction, and in defiance of the expressed will of the Commons of Lower Canada; that your petitioners anticipate with fear, as a consequence thereof, a frightful increase of corruption in this province; that in addition to the fears generated by this unconstitutional taxation, and the equally unconstitutional application of the said tax, your petitioners foresee, as arising out of the peculiar powers conferred on the company in question, the destruction of the political independence of the people who may unfortunately become subject to its control, and who will be rendered basely subservient to the said company.

That the continued dilapidations of the revenues of the province, in direct violation of the constitution, are another source of alarm to His Majesty's Canadian subjects; that after the abandonment of the late Colonial Secretary's project, to seize upon the said revenues, by suspending an Act which did no more than confirm to the Commons of Lower Canada a right previously recognised, without conferring any new privileges, His Majesty's Canadian subjects did not expect to be so soon called upon to resist similar unconstitutional encroachments and dilapidations; yet very recently the indisputable privileges of the Assembly have been again violated by the payment of the public servants, without the sanction or cognizance of the only body authorized to give such sanction.

That the people of the old colonies, now the United States of North America, however much they were aggrieved by attempts at unconstitutional taxation, had much less to complain of, on the score of executive usurpations than the people of this province, the Assembly having repeatedly declared its fixed determination not to sanction that which it must ever consider a tyrannical violation of its rights, and which the people of this province regard as a virtual dissolution of the constitution, and for the consequences of which your petitioners cannot answer.

That, under these circumstances, your petitioners claim for His Majesty's Canadian subjects the protection of your honourable House against these and similar acts of pillage; that your honourable House may, and ought at once to ascertain, in order to bring to just punishment those who authorized so criminal an assumption of power.

That, inasmuch as no session of the Provincial Parliament has intervened since the date of the aforesaid petition of the Commons of this province to your honourable House, your petitioners abstain from alluding at any length to the insuperable differences and the ever-widening breach between the House of Assembly and the Legislative Council of this province, differences springing out of the very constitution of the latter body; nevertheless, your petitioners cannot avoid reminding your honourable House, that the aforesaid petition contained a prayer that the Legislative Council, as at present constituted, be abolished, and that the people of this province be empowered to elect a second branch of the Legislature in future, as the only means of producing that harmony, without which internal peace and good government cannot exist.

That as an evidence that the people at large fully participate in the opinions of the majority of the House of Assembly, your petitioners take leave to refer your honourable House to the result of the recent elections in the said province of Lower Canada, which avowedly turned upon the approval or the disapproval of the elective principle, and which result is almost unanimously in favour of the said principle.

Wherefore, your petitioners, expressing the sentiments of the majority of the inhabitants of Lower Canada, pray your honourable House to comply with the prayer of the aforesaid petition of the Commons of Lower Canada, dated on the first of March last, and also with that of the present petition, by removing the abuses and grievances set forth therein, so that full justice be rendered to the House of Assembly and to the people whom it represents.

And your petitioners will ever pray.

Lower Canada, December 1834.

Enclosure 4, in No. 1.

LETTER from *David Brown* to Lord Glenelg.

Mr. Neilson presents his respects to Lord Glenelg, and transmits the copy of the petition of the Scotch Church, in Lower Canada, which he had the honour of mentioning to his Lordship yesterday.

He has taken the liberty to add the letter from a member of the Presbytery, by which it was accompanied.

113.

Mr.

Enclosure 3,
in No. 1.

Petition of
Members serving
in the Assembly of
Lower Canada.

Enclosure 4.
in No. 1.

Enclosure 4,
in No. 1.

Letter from
David Brown to
Lord Glenelg.

Mr. Neilson is fully aware of the disposition of His Majesty's Government to do justice to the Scotch settlers in Canada, and he is persuaded that my Lord Glenelg is well aware of the attachment of the generality of Scotchmen to their national church, and of the merits of its clergy, which are comparatively as great in Canada as in the mother country; but the means of the new settlers do not permit them to recompense these merits, especially in addition to the charge upon the settlers for erecting places of worship. It ought also to be observed, that the legal provision which exists at home for the support of the established clergy has habituated settlers recently from the mother country to be less active in providing a voluntary support for clergymen than those who have been in the habit of providing for them in that way, and the clergymen of the establishments consequently labour under a disadvantage in comparison with religious teachers of other denominations.

His Lordship is, of course, aware that there is a legal provision in Canada for the support of the Roman Catholic clergy, although not compulsory on any excepting those who belong to that church.

To the KING's most Excellent MAJESTY.

Petition of
Scotch Church
in Lower Canada.

The Petition of the Ministers and Ruling Elders of the Presbytery of Quebec, in connexion with the Church of Scotland,

Humbly sheweth,

That your petitioners, impressed with a tender anxiety for the moral and religious interests of that large portion of Your Majesty's dutiful subjects in this Your Majesty's province of Lower Canada, who are by education and conviction attached to the doctrines, discipline and laws of the Church of Scotland, deem it a sacred duty again to approach your throne, and, together with their expressions of unfeigned loyalty and attachment, to submit to Your Majesty's favourable consideration the difficulties which press heavily upon them in a religious point of view, and to solicit your gracious interposition in their behalf, in adopting, or causing to be adopted, such measures as may be found requisite to put them in possession of their undoubted and unquestionable right, an equitable participation with their brethren attached to the Church of England in the profits arising from the clergy reserves in this province.

Your petitioners are the more imperiously urged to make this new appeal to Your Majesty's justice, in consequence of the great additions that emigration and other causes have lately made to the number of persons and families in whose spiritual concerns they feel a lively interest.

The number of Presbyterian congregations in the province of Lower Canada being now fifteen, and many more requiring to be formed, if a newly-settled and widely-diffused population had the means of enabling them, to afford even a partial contribution towards the support of ministers.

Your Majesty's petitioners, may it please Your Majesty, ground their right to this participation, First, on the Act of Union between the two, formerly independent, kingdoms of England and Scotland; which Act guarantees (Article 4th), "That all the subjects of the United Kingdom of Great Britain shall from and after the Union have full freedom and intercourse of trade and navigation to and from any port or place within the said United Kingdom, and the dominions and plantations thereunto belonging; and that there be a communication of all *other rights, privileges and advantages which do or may belong* to the subjects of either kingdom, except where it is otherwise expressly agreed in these Articles."

Here your petitioners consider their rights to be founded as upon a rock, for if there is any faith to be placed in the most sacred treaties and covenants between nations, they must contend, that it is most solemnly pledged in this contract, a contract ratified severally by the Parliaments of England and Scotland, and which forms the foundation of the British Constitution.

Canada was conquered in 1759, not by England, not by Scotland, but by Great Britain, and, therefore, in Canada the clergy of the Established Church of Scotland are by covenant entitled to an equal communication of all rights, privileges and advantages enjoyed by the clergy of the Church of England, as clearly as that the mariners of Greenock and Glasgow have an equal right with the mariners of London and Liverpool to navigate the St. Lawrence and Lake Ontario.

Secondly, your petitioners, acting in behalf of their Presbyterian brethren aforesaid, found their right to a participation in the profits arising from the clergy reserves, on the provision made by the Statute 31 Geo. 3, for the support and maintenance of a protestant clergy; the 36th clause reserves a seventh of the land for the support and maintenance of a protestant clergy; no preference is given in either clause to the Church of England, no exclusion is mentioned of the Church of Scotland; neither is named; yet, by inference, both must be intended to be included, for both are supported by Government in Great Britain; and as they are the only protestant churches so supported in great Britain, the members of the one church, they humbly and respectfully represent, cannot, without a violation of the Act of Union, be countenanced by Your Majesty in their pretensions to a better right than the members of the other to Government support in Canada, a British province.

Your Majesty's petitioners further beg Your Majesty to consider that the construction put by them upon the provisions in the several clauses of the aforesaid Statute was unanimously confirmed by the deliberate opinion of the law officers of the Crown, in the year 1819, when the question was submitted to them by his late Majesty's Government. Their
opinion

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opinion bears, "We are of opinion, that though the provisions made by 31 Geo. III. c. 31, sec. 36 and 42, for the support and maintenance of a Protestant clergy, are not solely confined to the clergy of the Church of England, but may be extended also to the clergy of the Church of Scotland, if there are any such settled in Canada (as appears to have been admitted in the debate upon the passing of the Act); yet that they do not extend to dissenting ministers, since we think the terms 'Protestant clergy,' can apply only to Protestant clergy recognized and established by law."

The same opinion, as stated in former petitions, may it please Your Majesty, has been deliberately expressed by the Houses of Assembly of Upper and Lower Canada, and it has been likewise confirmed by the report of the Select Committee of the House of Commons on Canadian Affairs in the year 1828; which report bears, that "the Law Officers of the Crown have given an opinion in favour of the rights of the Church of Scotland to such participation (an equal participation in the profits arising from the clergy reserves), in which your committee entirely concur."

Your Majesty's petitioners beg further to remind Your Majesty, that the justice of their right to the provision claimed, has been frequently and fully admitted by the distinguished individual who held for the time being the honourable situation of Principal Secretary of State for the Colonies.

The Earl of Bathurst, in a despatch dated "Downing-street, 6th November 1821," addressed to the Earl of Dalhousie, in answer to a memorial from the ministers and elders of the congregations of the Church of Scotland in Canada, makes use of the following words, or words to the following effect:—

"I entirely concur with your lordship in considering as a most important political and moral duty to extend the influence of the Established Church of England and Scotland in the British Provinces in North America, and to make, as far as means will allow, an adequate provision for their respective ministers. A great difficulty arises from the insufficiency of the funds, which might, under certain circumstances, be disposable for this purpose; for although the clergy reserves may ultimately be expected to form a fund adequate to the maintenance both of the Church of England and Presbyterian pastors, in proportion to the number of their respective congregations, yet, in their present state, utterly insufficient as they are to the demands of one established church, your lordship will not impute to me any want of consideration for the Church of Scotland, if I do not consider them in the Lower Province as yet available for the payment of their ministers.

"At the same time, it is very desirable that some means should be adopted for placing a certain number of the ministers of the Presbyterian clergy on a less precarious footing in point of income than that on which they at present stand; and if your lordship could state to me the extent to which provision to them is required, and the amount which might be expected to be derived from the contributions of the members of that church, either in the Province or in Scotland, it would afford me much satisfaction to consider how far it was possible to attend to their wishes."

In a despatch to Lord Dalhousie, dated Downing-street, 3d September 1823, the Earl Bathurst says, "Could such propositions (propositions to the House of Assembly of Lower Canada, for a legislative provision for the Scotch clergy and the English Protestant clergy) be both brought forward in a proper manner, and with reference to the relative importance of the two establishments, I should be happy to recommend to His Majesty to give his sanction to any bills that might be framed to give effect to the principle; but I am afraid that in the present state of feeling in the Legislature of Lower Canada there is little chance of such measures being brought forward, and I much fear that there would be little disposition in the House of Commons to sanction any measure of that necessary charge which must be sustained at home for the support of the English Protestant church in Lower Canada for whom no effective provision is made within the colony, however desirable it might be to afford the ministers of the Scotch church that assistance which their exemplary conduct so much deserves."

In another despatch of the Earl Bathurst to Lord Dalhousie, dated Downing-street, 26th June 1826, his lordship, after acknowledging the receipt of memorials from the different congregations and ministers of the Church of Scotland in Canada, says, "In reply I have to acquaint your lordship that I am of opinion it would certainly be desirable to grant salaries to the ministers of the Church of Scotland, and in the event of any funds being placed at His Majesty's disposal, by the sale of Crown lands in Lower Canada, I shall be very ready to entertain the applications which you have recommended, but at present I can only express my regret that the want of means prevents me from complying with the petitioners' requests."

To a memorial from a committee of the General Assembly of the Church of Scotland, appointed by the Assembly in 1827, to apply to His Majesty's Government for pecuniary aid to the ministers in connection with the said church, resident in Canada, the convener of said committee received an answer from His Majesty's Principal Secretary of State for the Colonies, bearing, "That whenever a congregation in any of those provinces shall have erected a suitable place of worship and be prepared to acknowledge the jurisdiction of the Church of Scotland, and to contribute according to their means towards the maintenance of a minister, upon presenting a memorial to the Governor in council, the Governor will have received His Majesty's commands authorizing him, upon being satisfied that those conditions have been duly complied with, to contribute to the support of the clergymen in such proportion as, together with the contribution of the parties presenting the memorial, may be sufficient to afford him a competent maintenance," &c.

May it please Your Majesty, taking into consideration the admission of the justice of your petitioners' rights by His Majesty's Government, the promise made in the event of any funds

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funds being placed at His Majesty's disposal by the sale of Crown lands in Lower Canada, that their applications would be readily entertained, the regret expressed that the want of means only prevented an immediate compliance with their request, the opinion of both Houses of Assembly in Upper and Lower Canada, the assurance given to the convener of the committee of the General Assembly of the Church of Scotland, in answer to their memorial, that whenever any congregation in these provinces had satisfied the Governor thereof that they had complied with certain conditions, he would have received His Majesty's commands authorizing him to contribute to the support of their clergymen, together with the opinion of the Select Committee of the House of Commons on Canadian affairs, in 1828, in their favour, your petitioners cannot refrain from respectfully declaring, with the knowledge which they possess of large sums of money having been appropriated, in the year 1824, by His Majesty's Government, for increasing the salary of the bishop of Nova Scotia from 1,200 *l.* to 3,000 *l.* sterling per annum, endowing two rectories in his diocese at an annual salary of 300 *l.* sterling each, and three rectories in the diocese of Quebec at an annual salary of 500 *l.* sterling each, in the face of these promises, assurances and opinions; and with the further knowledge which they possess of a revenue to a very considerable amount having within these few years been derived from the sale of Crown lands, the sale of clergy reserves and the rents paid by lessees of clergy reserves, (at whose disposal said revenue is placed, where it is or has been applied your petitioners pretend not to know,) that they consider their Presbyterian brethren in this province, a numerous, loyal and respectable people, to have been and still to be most unfavourably dealt with, and to have long patiently, and almost in silence, endured a most serious grievance in not obtaining, many years ago, the benefit of an equitable share of the profits arising from the clergy reserves.

May it therefore please Your Majesty to take the premises into your serious and favourable consideration, and to cause measures speedily to be adopted for giving effect to the opinion of the Committee of the House of Commons, given in the Report in 1828, in favour of the people whom your Petitioners represent, and putting them in possession of their just and lawful right, a participation with their brethren attached to the Church of England in the profits arising from the clergy reserves, "in proportion to the number of their respective congregations."

And that Your Majesty may long live, and in the exercise of your Royal prerogative see that justice be done in all matters pertaining to the just and lawful rights of all classes of Your Majesty's loyal, affectionate and devoted subjects, is the earnest prayer of Your Majesty's petitioners.

In the name, on behalf and by appointment of Presbytery,

(signed) *Alexander Matthieson*,
Moderator.

Quebec, 24th December 1833.

David Brown, Minister.
(A true Copy.)

Sir,

Valentia, 28th March 1835.

THE enclosed is a copy of a Petition from the Presbytery of Quebec, to the King's most Excellent Majesty, which was transmitted to the Colonial Office by Principal M'Farlane, of Glasgow, convener of the Standing Committee of the General Assembly of the Church of Scotland, when Mr. Stanley was Colonial Secretary, and to which the Presbytery of Quebec have received no answer. The sum and substance of the Petition is this, that the ministers of the Established Church of Scotland who have settled in Canada, are justly entitled to an equal participation with their brethren attached to the Church of England in the profits arising from the clergy reserves.

Should the question in any way be brought forward in the Colonial Office, when you are in England, I hope that you will use your utmost zeal in endeavouring to get us put in possession of our just and lawful rights, or, at any rate, try to obtain from the present Colonial Secretary an answer to our Petition.

You are perfectly aware that the ministers of the Church of Scotland, who have settled in Lower Canada, labour under insurmountable difficulties in propagating the inestimable blessings of the Gospel among their expatriated countrymen, and that the voluntary contributions of the poor settlers are inadequate to support the number of ministers that are at present wanted for the country. We have to contend against an endowed clergy, to whom we do not yield in point of education or loyalty.

And it is certainly not good policy on the part of the British government to give an undue preference to the clergy of the Church of England over those of the Church of Scotland.

It is a melancholy fact, that many persons in Lower Canada, aliens to the British government, usurp the pastoral duties, whose moral habits and imperfect acquirements totally disqualify them for the sacred office, and whose peculiar dogmas, which are instilled into the minds of the people, tend very much to alienate them from the British government.

The present state of things must still become worse if even the few ministers of the Church of Scotland that have settled in the country, are necessitated to abandon their charges for want of government aid and protection equal to what their brethren receive in Upper Canada.

I remain, &c.

(signed) *David Browne*.

Enclosure

GRIEVANCES IN THE CANADAS.

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Enclosure 5, in No. 1.

My Lord,

London, 10th July 1835.

I think it my duty to leave with you, before my departure from London, an extract from the report of the committee appointed to draw up my instructions when I was deputed to this country with the Petitions lately presented to His Majesty and both Houses of Parliament.

This extract will put you in possession of the views of that committee, truly representing, as I believe, about 120,000 souls, comprising a majority of the persons of information, property, enterprise and industry, in Lower Canada.

With respect to the means of providing a more equal representation in the Provincial Assembly, the committee have not been as explicit as on other matters.

It has been suggested that it might be done by giving the Governor power for a limited time to subdivide the cities, and set off, as counties, the *new settlements in the rear of the present counties*, upon petition to that effect from the inhabitants, whenever they amount to a sufficient number, *according to the existing Provincial Law*, to entitle them to send representatives. It will be observed that a similar power, but much more extensive, was contained in the 14th clause of the Act 31 Geo. 3. cap. 31, commonly called the Constitutional Act; this power was a thing of necessity then to give effect to the new constitution. It is equally necessary now, for these people have in fact no share in the representation, nor is there any probability of its being granted to them by another portion of the people who now hamper their industry, enterprise and extension, and virtually dispose of their persons and property, with very little check or control.

There are other matters which are important to the welfare and security of the North American Provinces particularly.

1st. The settlement of the boundary between the United States, Lower Canada, and New Brunswick.

2d. The state of the currency and its regulation throughout all the North American Provinces, which is become indispensably necessary on account of the regulations adopted in the United States last year.

3d. The removal of all impediments to the settlement of the Waste lands of the Crown, and the facilitating the freedom of communication between the Provinces and the United States; removing, as much as is consistent with the general system of the Empire, all custom-house interruptions.

4th. The quieting the minds of the Roman Catholic clergy of Lower Canada, about the existence of any disposition to interfere with their ecclesiastical institutions and establishments of education; and generally a continuance of whatever is secured by the capitulations and the Act 14 Geo. 3., commonly called the Quebec Act.

5th. A better protection for the remains of the Indian tribes within the Provinces.

On these matters I may have occasion to trouble you with some observations before leaving the United Kingdom.

I beg leave at present, more particularly, to call your attention to the Timber question, now before a Committee of the House of Commons.

It was not expected when I left Quebec, in the beginning of April last, that this question would be agitated this Session. We thought the last alteration of the duties after the general peace in Europe, was final, and particularly after the rejection of a proposed alteration four years ago.

People in Canada had good ground to calculate on the present scale of duties. An immediate alteration would be little better than taking money out of one man's pocket to give it to another.

The announcement of a prospective alteration would discourage those who wish to maintain the connexion with this country, and encourage those who are turning their attention *elsewhere*.

I have reason to think that the value of the timber exported from Canada in 1833, formed more than one *half* the value of all the exports from both Provinces, and in 1834, more than *two-thirds* of the whole. It is by means of these exports that the inhabitants supply themselves with what they cannot get on their farms, there being no manufactories in the country, and the climate of Lower Canada generally, allowing of no surplus of corn or provisions.

In truth, the inhabitants of Lower Canada, nine-tenths of whom are *chiefly* employed in agriculture, have always depended for a supply of everything, but food, and some coarse clothing of family manufacture, on exports produced by some other employments. In early times, it was hunting and fishing; latterly, cutting, getting out, preparing and shipping timber and lumber.

This country has suffered the United States people to occupy the fisheries, and an Act of Parliament, passed some years ago, has turned the fur trade to Hudson's Bay.

An alteration of the duties now would leave the inhabitants of the British North American provinces in a worse situation than those of the United States. It is a fact that lumber brings a higher price in the American ports than at Quebec, that the wages of labour are higher in the adjoining States than in Canada. This is a state of things which British subjects in the Colonies ought not to see increased.

It is hardly necessary for me to point out to you the importance of the North American provinces to this country. As a commercial position, they afford an inlet to British manu-

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factures and trade to the United States, independent of that power; as a naval station, they command the trade to Europe of nearly all America; for the trade winds and the gulph stream will always force this trade to pass near Nova Scotia and the Banks of Newfoundland. The possession of the Colonies by the United States would give them harbours, coal and timber, in which they are deficient, and enable them to command the trade of nearly all America to Europe, and engross the Newfoundland fisheries. England would become dependent on foreign powers for timber, and lose an important nursery for seamen, without which she would be reduced to the rank of a secondary power, after having been so long "the dread and envy of them all."

I should flatter myself that the interest of the Colonies and the power of England will not be sacrificed to a spirit of innovation, or of theories, which ought rather to be tested by experience at home, under the eyes of the legislators, than in the colonies, who are not represented in Parliament, and whose sufferings cannot so directly reach those who make the experiment.

An alteration of the timber duties, which would diminish the competition with foreigners, and the quantity in the market, could hardly benefit the consumer in this country, as it would assuredly raise the price of the article.

I have, &c.

(signed) J. Neilson.

(Extract.)

Report from Committee of Instruction relative to Petitions from Lower Canada.

Your Committee have approached the subject of the above reference with a deep sense of its difficulty and importance. The instructions to be given to the agent must of necessity be based upon the petition with the conveyance and support of which he is charged.

Your Committee have thought that the objects in view would be best attained by accompanying the draught of the instructions to the agent with a full and distinct statement of the grounds and reasons upon which those instructions proceed. The general heads embraced in the petition are,—

1st. The powers exercised by the Legislature in relation to the monies necessary for the defraying of the charges of the administration of justice and support of the civil government of the province.

2d. The composition of the legislative and executive councils and the means of ameliorating the same.

3d. The securing of the independence of the judiciary and the ameliorating of the existing system of judicature.

4th. The establishment of a more equal and just representation of the people generally in the assembly of the provinces.

The subject of the first contains in it considerations of the highest order in colonial polity,—the just and economical application of the public monies levied within the colony to the greatest advantage without any unnecessary or hurtful interference on the part of the metropolitan authorities, the proper control over public officers, and the maintenance of the just rights of the metropolitan state must be combined in such way as to secure all possible liberty without licentiousness in the colony, and just subordination to the parent state without impairing the rights of free British subjects; even prejudices, when general and inveterate, ought not to be offended except when not to be avoided without compromising great public interests or violating fundamental principles of law and government. It would be neither a pleasing nor an useful task to enter into the details of the various controversies relative to the appropriation of the public monies of the province to its civil expenditure since the year 1818, when the metropolitan government accepted the offer made by the assembly of the province in 1810 to charge the people thereof with the payment of the whole civil expenditure of the colony. Now, however, that for the last three sessions of the provincial parliament the government has been reduced to a state of insolvency with its coffers full of money, thereby impairing the credit of the government, setting an evil example to the people, interrupting the circulation of money, disturbing the relations of commerce and business, and depreciating the value of property of every description, it becomes necessary boldly and impartially, but with all due caution, to examine the causes which have led to such disastrous results, the remedies which may be applied, and the principles which ought to guide the application of those remedies.

The controversies which have led to these results relate principally to the imperial statute 14 Geo. III. cap. 88, and to the legal and constitutional construction of that statute. The opinions which have been maintained in relation to this matter may be distributed under three several heads.

1st. Of those who think that the appropriation of the monies levied under the authority of this statute was a valid and legal appropriation only so long as there was no Assembly within the province, and upon the constitutional act 31 Geo. III. c. 31 going into operation, the control of those monies come to be vested in the local legislature created by that statute. In support of this doctrine it has been said that it is an inherent right in British subjects to impose taxes, and to regulate their application by their lawful representatives; that the 18 Geo. III. c. 12, "For removing all doubts and apprehensions concerning taxation by the Parliament of Great Britain in any of the colonies, provinces, or plantations in North America and the West Indies, &c.," though in its terms prospective, contained a recognition of this principle, so far forth as the peculiar circumstances of that time, and the relations then existing between the old colonies and Great Britain admitted. That the

general

general appropriation through the Lords of the Treasury by the 14 G. III. was justifiable *ex necessitate rei*, and by the uniform usage in the British colonies so long as Canada had no local legislature; but the same usage established the power of the colony to appropriate all the public monies levied therein by and through its own legislature, when and as soon as such legislature was lawfully established, and further that this ancient usage and the principle it-elf are recognized in the late statutes regulating the possessions abroad of the Empire (6 G. IV. c. 114, s. 13, and 3 & 4 W. IV. c. 59, s. 13.) This opinion has been maintained by the majority in the Assembly since the year 1819.

2. Of those who maintain that the appropriation contained in the 14 G. III. c. 88, was a valid and subsisting appropriation down to the repeal contained in the 1 & 2 W. IV. c. 23.

In support of this opinion it is urged that the duties and the appropriation of the duties being made by one and the same statute, if the appropriation was illegal, so also must be the imposition of the duties, which last had never been pretended by any one. That the Constitutional Act operated no repeal of the 14 G. III. either expressly or by necessary implication, on the contrary that statute provides that all laws, statutes, &c. in force at the time of the Constitutional Act going into operation, should continue in force until repealed, &c. (s. 33.); and it is provided by the 46th section that nothing therein contained shall affect any law which had at any time been made by Great Britain for establishing regulations or prohibitions, or for imposing, levying, or collecting duties for the regulation of the navigation, or for the regulation of the commerce, &c. That by the provincial statute 39 G. III. c. 9, certain duties are imposed upon goods coming into the province, to be levied so soon as the Parliament of Great Britain shall have repealed so much of the 14 G. III. as relates to the payment of rates and duties on goods imported or brought into this province, &c. The plain object of which statute was to set aside the appropriation contained in the 14 Geo. III., and constitutes a legislative recognition of that appropriation; and that the validity of this appropriation had never been questioned previous to the year 1819, nor in Upper Canada at any time. And lastly, that the sections cited above from the late Imperial Acts regulating the possessions abroad implied that that act was in full force. This last consideration is supported by the opinions of the present Lord Chancellor and Sir Charles Wetherell, law officers of the Crown in the year 1824, and the Report of the Committee of the House of Commons appointed to inquire into the State of the Civil Government of the Country, of the 22d July 1828.

3. It has been contended by others, that supposing the appropriation to have been a good and valid appropriation so long as the funds levied under the 14 Geo. III. were sufficient to defray the expenses of the government of Canada; it was otherwise when they became insufficient and the Crown found it necessary to call upon the Colonial Assembly to supply the deficiency. That by such demands, the control of all the public funds of the province came to be in the Assembly, as they could not exercise their judgment upon the quantum to be supplied, without examining the whole of the expenditure. This view of the case is susceptible of two different opinions, which it is important to distinguish and weigh. According to one of these opinions, the provincial legislature would be invested with direct control over all the public funds upon the question of supplying the deficiency. According to the other, the provincial legislature would thereby be invested with a direct control over the deficiency demanded, and could examine the application of the monies appropriated by the 14 Geo. III. only incidentally, and with reference to the quantum of the deficiency. This distinction, though it may appear at first sight somewhat nice, is pregnant with important consequences. If the first of these principles be true, then the application to any purpose whatsoever of the monies levied under the 14 Geo. III. would be an illegal appropriation. According to the other, the Commissioners of His Majesty's Treasury might distribute the whole amount levied under 14 Geo. III. to the general object of the appropriation, in such manner as His Majesty might direct, and the power of Assembly would be confined to the rejection or modification of the demand of supply for the deficiency. Your committee think that the last is the true view of the subject.

The subject has thus far been treated upon strictly legal principles: there are other considerations of public policy appertaining to it.

The power of the colonial legislature to regulate the expenses of the civil government of the colony, when employed to refuse all supply, is an abuse of power. It is essentially a power of regulation within the colony, not of controlling the government without. The necessary officers of government within the colony are officers of the empire as well as of the colony. The refusal of the supplies necessary for the payment of their salaries, must either cast that expense upon the metropolitan government without its consent, and then the colonial is paramount to the metropolitan authority, or the officers must be left without any pay whatever, and then the metropolitan authority over the colony is annihilated by the exercise of a just legal authority, both which positions are contradictions in terms. Where such a contingency occurs, there must be a power in the metropolitan state, through its legislature, to secure the payment of its officers within the colony. And this brings your committee to the consideration of the Imperial Statute of the 1st & 2d W. IV. c. 23. This statute appears to have been passed in pursuance of the recommendation in the Report of the Committee of the House of Commons appointed to inquire into the State of the Civil Government of this Country, of the 22d July 1828, and was made in full confidence that the Assembly would render the Governor, the Members of the Executive Council and the Judges independent of the annual votes of the House of Assembly for their respective salaries. Failing the redemption of this pledge on their part, the assembly cannot complain if the Imperial Legislature should recall that repeal, declaring at the same time the validity of the appropriation, or making by the same Act an appropriation liable to be modified or

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altered by any Act made by His Majesty, with the advice and consent of the Legislative Council and Assembly of the province. This last course seems well adapted to the peculiar situation and condition of this colony. The members of the constitutional association claim no privileges over their fellow subjects of another origin; but the experience of late years has shown a determination on the part of the majority of the Assembly of that origin to make of the power which this repeal has vested them with, an instrument for controlling the metropolitan government, and for reducing their fellow subjects of British and Irish origin to a condition of inferiority, without regard to the public utility, or the principle of equal justice, vesting in the provincial legislature the power of altering and modifying any appropriation which may be made by the Imperial Parliament, secures the government from the danger of being left without any resources for the civil expenditure, at the same time that it gives to the subject within the colony a steady, just and efficient, instead of an arbitrary and capricious, control over the public expenditure; and if this measure embraced the whole of the necessary expenses of the civil government, and rendered the whole of the public funds of the province available for those expenses, without reference either to the particular monies levied under the 14 Geo. III., or to the general appropriation under that statute, this source of discussion would be removed, and the tranquillity of the country would be permanently established. In considering the public affairs of this country, it can never be lost sight of with any safety that the population is not homogeneous, and those rules which may be pursued with safety in a country whose population is homogeneous, will lead to dangerous consequences in a country whose population is composed of two large or unequal and heterogeneous masses of people. It would, however, be essentially necessary, for the success of this measure, that proper precautions should be taken that the holders of office should not at any time have a preponderance in one branch of the legislature, as they would otherwise be enabled to maintain themselves in the possession of greater emoluments than they ought to have.

As the basis of such appropriation, your committee is of opinion that, under no circumstances, ought any appropriation to be made which has not received the sanction of the colonial legislature from the year 1829 to the year 1832 inclusive. The appropriations, though made in the bills of supply in one sum, are based upon the votes of the Assembly to be in their Journals.

As a complement to the foregoing system, it is essential that public functionaries should be amenable before a competent tribunal, to be established within the province, to be tried for offences in office by them committed, whereby, on the one hand, the public functionaries may be protected from calumnies in the honest discharge of their duties of office; and on the other, that all of them may be made liable to trial and punishment for nonfeasance or misfeasance in office, properly cognizable upon impeachment by the Assembly of the province. The only proper tribunal for the trial of such offences would be the legislative council of the province, upon which, in the opinion of your committee, ought to be confined by the same legislative Act which regulates the civil expenditure of the province, the requisite powers to hear, try and determine such impeachments, and upon conviction of the person impeached, to give judgment that he be removed from office, or that he be disqualified to hold any office of honour, trust or profit under the Crown, or both; but to pronounce no other judgment. Every person impeached should nevertheless be liable to indictment and punishment according to law.

2dly. The composition of the Legislative and Executive Council, and the means of ameliorating the same.

Convinced as your committee are, that uniformity of action cannot be attained in a colonial government without an efficient Executive Council, they cannot shut their eyes to the difficulty of selecting fit persons in colonies to fulfil the important duties which devolve upon such a body regularly, the Executive Council performing as it does the functions of a council of state, ought to be composed of the heads of the public departments of the colony, with an admixture, less or greater, of members independent of the government and of the administration for the time being; whether this admixture ought to be equal, superior or inferior in number to the heads of departments, is, in the opinion of your committee, a matter of very serious consideration. The safer course would, perhaps, be to make of the members of the council, unconnected with office, the majority, but certainly they ought to be inferior in number; it is desirable, also, that they should not all be resident in Quebec, but distributed over the other parts of the province, giving to the people at large confidence in the government, and checking cabals in the council itself. The constitution of an Executive Council, composed exclusively of men unconnected with the government, would be imperfect in several particulars; such persons could not give up their time to the details of the duty of executive councillors, they would not have a sufficient *esprit de corps*, and would not have a sentiment of responsibility for the well carrying on of the government, continuous systematic action they cannot bestow. On the other hand, the officers of government, holding their offices during pleasure, having little community of interest or feelings with the mass of the people, naturally disposed to avail themselves of their facility of access to the Colonial Governor to locate the members of their families in office, the disposition to maintain authority and to stifle inquiry when contrary to their official interests, are all drawbacks upon their utility as councillors, and would disqualify them from acting with advantage to the public as such by themselves. These objections might be removed, and would certainly be greatly mitigated, by introducing with them members unconnected with government and the administration. By this course, the government would be careful in selecting efficient heads of departments, each of them would continue to be responsible for

for his own department, and united, they would be exempt from maintaining abuses or sanctioning inefficiency in any particular department; their respectability would be increased with this increase of their power, and having reached the highest point that they could expect to attain in official advancement, they would have nothing to look forward to, for themselves at least, which could lessen their independence; combined, they would form a body sufficiently strong with the other members to advise the Governor fearlessly and independently.

The present composition of the Executive Council is felt by all to be one of the sources of the weakness of the government, and that weakness has disturbed the equilibrium of the provincial government, joined to the unfortunate composition of the Legislative Council; down to a very late period, the Governors have had recourse to the Colonial Secretaries from time to time, for instructions in all cases of conflicts between the Governors or the Legislative Council with the Assembly. All the intermediate powers between the Colonial Secretary and the Assembly have been thrown down, and the Colonial Secretary, organ of the metropolitan authority, has been brought into direct collision with the representatives of the people in the colony, which it had been the policy of the colonial system to prevent.

The reasons which renders necessary the presence of all the heads of departments in the Executive Council as members thereof, do not seem to extend to the Legislative Council.

The predominance of the officers of government in the Legislative Council would disqualify that body from acting as a barrier to the Assembly, and would not be attended with any beneficial result; too much care cannot be employed in the selection of its members; landed qualifications, which may be of use in England, are contrary to the genius and condition of North American societies; besides the official and landed, with a small sprinkling of the commercial, interest which are now found in the Legislative Council, it should contain a representation of all the other masses of interest in the colony, and should be made at least equal in business talent to the Assembly. The difficulty of selection cannot be denied. The power which has of late years been exercised by each successive Governor, without advice or control, within the Colony, of selecting new members to a large extent, is a very dangerous power; it may at any time be used to support a tottering administration within the Colony, and to render the majority of the Legislative Council *facetio haud dubia regis cujus beneficio in curiam venerunt*.

It is apprehended that no member ought to be recommended for a seat in the Legislative Council whose name was not first submitted to the Executive Council, each of the members of which last-mentioned body should be at liberty to express in writing, quite confidentially, and enter it upon the proceedings of the council, to be transmitted with the recommendation to the Colonial Secretary.

The Executive Council, as now composed of six members, whereof only four reside at Quebec, and discharge the duties of that body, has in it a majority of the officers of the Legislative Council, the clerk, assistant clerk and law clerk of that body; as well upon this point as upon the necessity of keeping apart the legislative and administrative powers, reference may be had to the resolution adopted by the Assembly unanimously on the 10th February 1834, and the Bill passed without a division in any of its stages in that body, intituled, "An Act for securing the Dignity and Independence of the Legislative Council and Executive Council of this Province and of the Judicial Body thereof," and passed in the Legislative Council on the 22d February 1834, seventeen members being present, and only three appearing to vote against the same.

On this Bill, Lord Aberdeen, in his despatch, laid before the legislature in the late sitting thereof, says, "that it raises a question of so much importance in itself, and so intimately connected with the inquiries of the Committee of the House of Commons, which sat during the last Session of Parliament, on the affairs of Canada, that he had, however reluctantly, been compelled to advise His Majesty to postpone his decision upon this proposed law." He adds, "that it would be impossible to detach from the general subject a measure so deeply affecting one of the most important questions in discussion with the House of Assembly; nor does it appear expedient to concur in an insulated measure affecting the constitution of the legislative, executive and judicial bodies, until the whole of these important but complicated inquiries shall have reached a stage in which there may be a prospect of bringing them all to a termination."

This measure having received the concurrent approbation of both Houses, being founded on plain principles of right and public policy, and requiring now only the sanction of His Majesty, at a stage when the committee indulge the hope that there is a prospect of all these matters being brought to a termination, we trust that no exertions will be spared by the agent of the association in obtaining the sanction of His Majesty to this Bill.

3dly. The securing of the Independence of the Judiciary, and the Amelioration of the existing System of Judicature.

Any appropriation made by the Imperial Legislature would contain a permanent appropriation for the salaries of the judges, with their retired allowances, as contained in the Bill which passed the two branches of the provincial legislature, on the 20th January 1831, intituled, "An Act to incapacitate the Judges in this Province for sitting or voting in the Executive or Legislative Councils, to secure the Independence of the Judges in this Province, and for other purposes therein mentioned." As the appropriation contained in this Bill was made a part of a more general measure, touching the commissions of the judges and the composition of the councils, justice would seem to require that the other provisions contained in this Bill, as well as the appropriation in question, should be incorporated in the

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same law, several of its provisions will be found in the Bill above mentioned, intituled, "An Act for securing the Dignity and Independence of the Legislative Council and Executive Council of this Province, and of the Judicial Body thereof," passed in the Legislative Council on the 22d February 1834, which, if sanctioned, would render those several provisions unnecessary in the proposed law; the people of this province are no doubt subject to great inconvenience from the system of judicature now established; the dissensions by which the country has been agitated since the year 1818, in relation to the Civil List, have distracted men's attention from this and other objects of high local importance. These dissensions once allayed, the attention of the local legislature will, doubtless, be directed to the establishment of a more fit system of judicature, corresponding with the increasing population and wants of the province. This matter too is one not touching Imperial rights or powers, but wholly local and affecting colonial interests, and ought, therefore, your committee humbly conceives, to be left to the colonial legislature.

4thly. The Establishment of a more equal and just Representation of the People generally in the Assembly of the Province.

The peculiar condition of Lower Canada, arising out of the diversity of the origin, language and manners of its people, renders necessary the interposition of the authority of the Imperial Parliament to establish the representation in the province, upon a footing of equality with reference to the numbers of these two classes of people. The representation, as it now stands, is manifestly unequal, and an undue preponderance is thereby given over the inhabitants of the colony of British, Irish and American origin. The Act passed in the provincial legislature for the division of counties, would have the effect of rendering this inequality permanent, notwithstanding any accession however great, made to the inhabitants of British, Irish and American origin. The petitions upon this subject, coming from various parts of the country, and the previous proceedings of the association, will be found to contain all the information that is desired upon this head.

Your committee is fully sensible of the delicacy which is rightly felt in England, of interfering by legislative Acts of the Imperial Parliament in the internal affairs of the colonies of the Empire, and they have therefore carefully confined their recommendations to such matters as are of paramount importance, and cannot be regulated by the local authorities. Matters upon the due regulation of which depends the continuance of that connexion between the parent state and this colony, which it is our anxious wish to maintain; and your committee do not hesitate to say as their firm conviction, that peace and good order cannot be maintained within the colony, and that connexion secured, without the immediate adoption of measures of more energy and firmness, combined always with justice, than those which have characterized the proceedings as well in the Colonial Office as in the colony, of late years.

All which, nevertheless, is humbly submitted.

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Enclosure 6.
in No. 1.

LETTER from Mr. Walker, &c. to the Right honourable Lord Glenelg, &c. &c. &c.

My Lord,

Letter from Mr.
Walker to the Right
hon. Lord Glenelg
relative to Petitions
from Lower Canada.

AVAILING myself of your Lordship's suggestion, that the agents deputed to this country by the constitutional associations of Montreal and Quebec, for the purpose of bringing under the consideration of His Majesty's Ministers and of Parliament various matters of complaint which most injuriously effect the welfare of the inhabitants of Lower Canada, and retard the prosperity of the province, and of enforcing the representations contained in the petitions entrusted to them, and in certain resolutions emanating from public meetings held in the city of Montreal, in the months of November and January last, should from time to time submit to your Lordship, in writing or otherwise, the views which are entertained by the petitioners, in order that instructions of the most comprehensive character may be given to the Commissioners who are on the eve of proceeding to Canada; and taking it for granted that His Majesty's Ministers, pending the proposed investigation, will suspend all discussion or inquiry in England, I take the liberty of directing your attention to the leading points enumerated in the resolutions of the Montreal Association, now in the possession of your Lordship.

1. "The state of pecuniary embarrassment in which the provincial administration has been placed by the conduct of the Assembly, and the expediency of a permanent appropriation being made for defraying the charges of the administration of justice, and the support of the civil government."

2. "The propriety of imposing a restraint on the expenditure of the Assembly, under the head of contingent expenses."

3. "The constitution of the Legislative Council."

4. "The securing of the independence of the judiciary and the establishment of a tribunal for the trial of impeachments."

5. "The necessity of ameliorating the composition of the Executive Council and the Court of Appeals."

6. "The establishment of a fair and equitable representation in the Provincial Assembly."

7. "The

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7. The necessity of obtaining from the Imperial Parliament an Act for the establishment of Registry Offices within the Seigniories.

8. The tendency of the feudal tenure to retard the improvement of the Province, and the necessity of obtaining an amendment of the Tenure Act, 6 Geo. 4, c. 59, with a view to its commutation and extinction.

9. The improvement of the navigation of the St. Lawrence.

10. The Lumber trade.

11. The contingent measures of the Union of the Provinces, or the annexation of the countries of Montreal and Vaudreuil to Upper Canada.

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Letter from Mr.
Walker to the
Right Hon. Lord
Glenelg, relative to
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With reference to the first head, I have been instructed to impress upon His Majesty's Ministers the propriety of obtaining from the Imperial Parliament an appropriation from the provincial funds of a sum adequate to defray the civil expenses of the province, and those attendant upon the administration of justice, such appropriation to be permanent in its character, but subject to be repealed or varied by His Majesty, His heirs or successors, by and with the advice and consent of the Legislative Council and Assembly of the province. Should this measure obtain the sanction of Parliament, the casual and territorial revenue of the province, hitherto appropriated at the discretion of the Crown, might be placed at the disposal of the Provincial Legislature, an opinion being generally entertained that the revenue in question should merge in the general funds of the province so soon as an adequate and permanent appropriation shall be made for the support of the Civil Government.

Upon the second head, the recorded proceedings of the House of Assembly, and more particularly the votes of that body, in relation to the indemnity of its members in the form of payment for their travelling expenses and attendance in Parliament, to the defraying of missions to England and retainers to agents here, in support of its own peculiar views; and the invitation not long since given to the people of the country to organize conventions and committees for the purpose of overawing the Government, the Assembly, by resolution, pledging its honour to defray the expenses of such conventions and committees out of the public monies placed at his discretion for purposes connected with the discharge of its constitutional duties, cannot fail to satisfy His Majesty's Government of the necessity of some restraint being imposed upon the expenditure by the Assembly of a part of the public monies under the denomination of contingent expenses, which have been largely and without any justifiable necessity augmented during several successive years, or of instructing the head of the Provincial Executive to adopt such a course as will tend to restore the legitimate control of the other branches of the Legislature with respect to the regulation and disposal of the public funds. Recognizing the Assembly as a constitutional control and a co-equal branch of the Legislature, but denying to it the right of exclusively directing the application of the provincial revenue, the Petitioners denounce, as an unwarrantable usurpation of authority on the part of the Assembly, the power assumed by that body of setting apart a share of the public revenues for the purposes already enumerated, and waiving any consideration of the consequences which might be expected to flow from a salaried Legislature in the peculiar circumstances of the province, and assuming the propriety of an allowance to members, they consider it to be more equitable that such allowance should be levied in the form of local taxes or contribution within the limits of the counties or cities which the members may respectively represent.

The third, fourth and fifth heads are in some degree connected. The Petitioners deprecate any alteration of the principle upon which members are now appointed to the Legislative Council. They consider that body to have acquired a character of independence alike of the Government and of the popular branch of the Legislature, and to be the representative of interests which are denied a voice in the Assembly. The discussions which have taken place and the proceedings of the Council for some years past render it apparent that the supposed influence of the Crown in that body has no foundation in fact; and whilst the principle continues to be acted upon, of excluding all dependants upon executive favour, its deliberations cannot fail to possess a character of independence. An extension of the elective principle to the Council would render it in every respect a counterpart of the Assembly, in which the interests and opinions of one class only of the society are expressed, inasmuch as the mediocrity of circumstances which obtains generally amongst the population would render it impracticable to set apart any class of persons in the province, distinct from the constituents of the Assembly, as electors of those by whom the seats in the Council should be filled.

A bill for securing the dignity and independence of the Legislative and Executive Councils and of the Judicial Body of the Province, which met with the concurrence of the Council and Assembly in the session which preceded the last, was reserved by the Governor-in-Chief for the signification of His Majesty's pleasure. As a measure in accordance with the sentiments of all classes in the province, and calculated to impart a confidence in and respect for the bench of justices, it is desirable that His Majesty's sanction should no longer be withheld.

But one opinion will be found to exist with respect to the necessity of a Court of Impeachment for the determination of misdemeanors and offences committed by public servants, which are not in principle cognizable by the courts of ordinary jurisdiction; and the Petitioners respectfully submit that an authority to this effect might with propriety be confided to the Legislative Council.

An amelioration of the composition of the Executive Council would be partially effected by the sanctioning of the bill alluded to, passed by the two branches of the Provincial
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Legislature, on the 22d February 1834; and further, by the introduction of a greater number of members unconnected with office under the administration, and selected from different sections of the province, with a view of imparting to the people at large, on the one hand, confidence in the measures of government, and to the government, on the other, a more intimate acquaintance with the necessities of the people. Were this body more efficiently organized, and placed upon a footing to command the public respect, it might be permitted to resume that share in the government and concerns of the province which in practice it has long ceased to possess.

The defective constitution of the Court of Appeals has been long apparent. The system of judicature, both as respects the courts of original jurisdiction and the court of appeals, is highly obnoxious to censure. This evil at a comparatively early period attracted the attention of the Colonial Legislature, although it still continues unredressed. By the Executive Council sitting as a court of appellate jurisdiction, justice has never been satisfactorily administered. This court should be composed of persons professionally versed in the laws of the province, and unconnected with either council.

With respect to the sixth head, I would most earnestly crave the attention of your Lordship to the details furnished in the Petition adopted by the two associations respectively. The defects in the existing system are aggravated by an unjust and faulty arrangement for the exercise of the elective franchise under a late Act of the Provincial Legislature, which includes a great majority of the people of British origin, within the limits of countries where a majority of French descent predominate; and a new division and creation of counties, combining the principle of territory with that of numbers as a basis of representation, with a prospective view to the increasing population of the township settlements, is accordingly indispensable for the purpose of securing to a class of the population, virtually, if not by express enactment, deprived of that share in the legislative concerns of the province to which their wealth, intelligence and enterprise forcibly lay a claim, a fair and equitable representation in the Assembly. I have already taken occasion to bring under the consideration of your Lordship the large quorum fixed by the Assembly, which has served to obstruct the public business; and in a recent instance, enabled a part of the House, by voluntarily absenting themselves from their representative duties, to defeat the purposes for which the Legislature had been convened.

If the various matters of grievance alluded to in the resolutions of the Montreal Association, already submitted to your Lordship, as embodying the views of the British population of the colony, were at this time open to inquiry, it would be our duty to call the attention of His Majesty's government to the injurious effects resulting from the system of general and secret mortgages, which, in connexion with the tenure of land, operates to prevent a settlement within the province of emigrants from Britain.

The system alluded to being maintained by a party in the colony, whose proceedings the Petitioners unhesitatingly denounce as pregnant with consequences fatal to the best interests of the colony, with a view to preserve their political ascendancy, it is evident that adequate measures of relief will not be obtained except by a direct intervention on the part of the Imperial Parliament; and when the important interests which are affected are duly considered, it is confidently anticipated that a measure of legislative authority in reference to this subject, founded upon principles which will tend to the general advantage of the community, will be obtained at the hands of the Imperial Parliament.

The Petitioners take a deep interest in the subject under the eighth head. The early extinction of the feudal tenure in Lower Canada, due consideration being had for the rights of private property, is intimately connected with the future peace and prosperity of the country, and cannot be too strenuously urged upon the attention of government.

The fines or dues to which mutations of property situate in the seigniories are liable, are felt to be exceedingly onerous; more especially in the cities and towns, the growth of which these dues have largely contributed to retard, as well as to check the progress of improvement, and where such burthens will not be much longer endured without exciting a feeling that will render a fair and equitable adjustment of the question of compensation for the rights of property a much more difficult matter than it would be at the present moment. It is under this view of the subject, and believing that the proprietors of seigniories, perceiving the growing dislike to the tenure, will be disposed to accede to moderate terms of commutation, that the Montreal Association has directed its agent to solicit the amendment of the Tenure Act, 6 Geo. 4, c. 59, in the manner proposed in the resolutions already alluded to.

The Association desire cautiously to guard against the inference of any intention on their part to interfere improperly or unnecessarily with the rights of ecclesiastic or religious corporations; but to be efficacious the measures proposed must extend to all lands held in *main morte*, or by entail or substitution.

In connexion with this subject, your Lordship will be pleased to refer to the resolutions in respect to the right of property in the seigniority of Montreal, claimed and exercised by the gentlemen ecclesiastics of the seminary of St. Sulpice. It being understood that the title to that property is vested in His Majesty, and there being reasonable grounds to believe that an arrangement will be concluded by which the management thereof will revert to the Crown, a fair and reasonable provision being made for the present incumbents, the Association having abstained from recommending the adoption of any measures of an exclusive character, in relation to the peculiar situation of the inhabitants of Montreal, a firm reliance being placed on the favourable disposition of His Majesty's government, in regard to the important interests which are involved in a satisfactory adjustment of the question at issue.

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The improvement of the River St. Lawrence within the geographical limits of Lower Canada, in connexion with the improvements now proceeding in Upper Canada, claims the attention of His Majesty's Government, with reference to the interests, not merely of the two Canadas, but of the empire at large. I believe it to be the nearly unanimous desire of the British population, whose sentiments I am deputed to represent, that the control of this great highway or channel of communication for the two provinces should be transferred to the Supreme Government, and that the desired improvement, as one of a strictly national character, should be confided to its discretion. The regulation of the commerce and intercourse between the two provinces, and the control of the inter-provincial navigation, are clearly within the scope of the authority reserved to the Imperial Parliament by the terms of the Constitutional Act; and this reservation must embrace every thing which is incident to the practical exercise of the power. Under this construction, which is sanctioned by the analogous practice of the Congress and general government of the United States in all matters incidental to the regulation of commerce as one of the enumerated powers reserved to the federal Legislature, the exercise of the suggested control by the Supreme Government of the navigable waters of Canada may be justified. It is, moreover, a measure dictated by considerations of practical expediency, if not of necessity, arising from the peculiar geographical position of Upper Canada, from the restraints imposed upon her commerce and industry by the want of a sea-port subject to her own control, from her dependence upon the Legislature of another and a rival province for those improvements in the navigation of the St. Lawrence beyond her own limits which are essential to her prosperity. From a Legislature which has postponed the completion of the Montreal Harbour to the gratification of personal and vindictive feelings, an improvement of the St. Lawrence upon a scale of befitting magnitude, with a view of affording increased facilities to the commerce of Upper Canada, is hardly to be expected.

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In the determination of His Majesty's Ministers to inquire by means of a commission into the alleged grievances set forth in the Resolutions and Petition of the Assembly, and the various causes of complaint which the entire British population have recently brought under the consideration of Government, the Petitioners, whom we represent, cannot fail to recognize an earnest desire to promote the best interests of the province. It would accordingly be unbecoming in me to speculate upon the line of conduct which the colonial executive may be instructed to adopt in the present emergency. The necessity of acting upon the coming instructions from your Lordship's department, and carrying into effect the purposes of the commission, will in all probability require an early renewal of intercourse between the head of the executive and the representatives of the people; but it is to be apprehended that the conduct of the Assembly, and its avowed principles of action, hold out no prospect of a conciliatory adjustment of the existing difficulties, and that an appeal to the sovereign authority of the Parliament of England, as the source of powers which have been so grossly abused, has long ceased to be a matter of discretion or choice, and is now become one of necessity.

There exists at this time within the colony a power without and above the government, which does not even deign to conceal its objects by the adoption of established forms. The Assembly, with a view to cripple the government, have organized permanent conventions to overlook its conduct, and arrogated to themselves all the attributes of sovereignty, without any constitutional claim to the authority which they exercise.

The population, whose sentiments are expressed in the petitions confided to Mr. Neilson and the writer, are swayed by no feelings hostile to their fellow-subjects of French descent. They have no distinct interests to consult. The two classes of society in the province are both the children of one common parent, the government to which they owe equal allegiance. The policy of England, when unchecked by the spirit of party, has hitherto redounded to the prosperity of the country; and when the two classes of its people are more sincerely united, much may be effected for their common advantage, which is now obstructed by the dissensions too sedulously cultivated by the leaders of the Assembly.

There are at this time but two political divisions in the country,—that which is aiding, and that which obstructs the administration of the government. The latter have denounced the government, the constitution, the magistrates, the people of England, and the minority of the population. To discredit the established influence of authority, to inculcate a distrust of British connexion, and to set one order of the country in feud with another, has been the object of the popular leaders in the province; and to these ends the privileges of the representative character and of parliamentary discussion have been abused. The concessions hitherto made to the demands of party have been considered as proceeding from an inability to resist, and not from principle; and respect for authority is accordingly weakened. The first and chief precaution to be adopted is that of controlling the busy spirit of innovation which has arisen in the colony.

Ere concluding, I am desirous of reminding your Lordship, that the views of the association which I have the honour to represent, differ in many particulars from those which the agent of the Quebec petitioners has been instructed to advocate. The association of the District of Montreal, reflecting the opinions of a great majority of the British population throughout the province, claim a redress of the many subjects of grievance described in the resolutions submitted to your Lordship; and your Lordship's assurance, that to all these topics the attention of the commissioners will be directed, demands an acknowledgment of thanks.

Whilst in London it is not improbable that accounts from Canada may suggest the propriety of a renewal of communication with the colonial department; and I venture to

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indulge a hope that any thing connected with the interests of the petition which I may be advised to bring under the notice of the proper authorities will at all times command a share of your Lordship's attention.

I have, &c.
(signed) *W. Walker*

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Minute relative to
Recommendations
of Canada Com-
mittee of 1828.

ENCLOSURE 2, in Lord *Aberdeen's* Despatch to Lord *Amherst*, dated 2d April 1835.

A MINUTE, showing in what manner the Recommendations of the CANADA COMMITTEE of 1828 have been carried into execution by His Majesty's Government.

IN the following pages Lord *Aberdeen* will attempt to show that there was sufficient reason to anticipate the entire conciliation of Lower Canada from the accomplishment of the resolutions of the Canada Committee, and that to the utmost of the power of the Crown those resolutions were in fact carried into execution.

The appointment of the Canada Committee of 1828 was, on every account, an important proceeding. The redress of grievances had been demanded, not by an isolated party, but by both of those great bodies which divide between them the wealth and political authority of the province; with views essentially dissimilar or rather hostile, they had concurred in an appeal to the metropolitan government.

By each body of petitioners were deputed agents authorized to interpret their wishes, and to enforce their claims. The committee itself was certainly not composed of gentlemen unfavourable to the views of the great numerical majority of the House of Assembly; they prosecuted the inquiry with great diligence and zeal; they examined the agents of both parties and every other person capable of throwing light on the subject referred to them. None of the questions brought under their notice, either by the petitioners or by the witnesses, was unexplored, and in the result a report was made in which, with an explanation of every known or supposed grievance, were combined suggestions for the guidance of the executive government in applying the appropriate remedies.

The House of Assembly in Lower Canada, in their answer to the address with which the administrator of the government opened the session of the provincial parliament in the winter of 1828, characterized this report in terms which may be transcribed as expressing on the highest local authority the claims of that document to respect, as affording a guide at once to the Canadian Assembly, and to the ministers of the Crown, of the rights to be asserted by the one and conceded by the other. "The charges and well founded complaints (observed the House) of the Canadians, before that august senate, were referred to a Committee of the House of Commons indicated by the colonial minister, that committee exhibiting a striking combination of talent and patriotism, uniting a general knowledge of public and constitutional law to a particular acquaintance with the state of both the Canadas, formerly applauded almost all the reforms which the Canadian people and their representatives demanded and still demand. After a solemn investigation, after deep and prolonged deliberation, the committee made a report, an imperishable monument of their justice and profound wisdom, an authentic testimonial of the reality of our grievances and of the justice of our complaints, faithfully interpreting our wishes and our wants. Through this report, so honourable to its authors, His Majesty's Government has become better than ever acquainted with the true situation of this province, and can better than ever remedy existing grievances and obviate difficulties for the future." Language more comprehensive or emphatic could not have been found in which to record the acceptance by the House of Assembly of the report of 1828 as the basis on which they were content to proceed for the adjustment of all differences. The questions in debate became thenceforth, by the common consent of both parties, reducible to the simple inquiry whether the British Government had, to the fullest extent of their lawful authority, faithfully carried the recommendations of the committee of 1828 into execution.

On a review of all the subsequent correspondence, Lord *Aberdeen* finds himself entitled to state, that in conformity with the express injunctions and the paternal wishes of the King, His Majesty's confidential advisers have carried into complete effect every suggestion offered for their guidance by the Committee of the House of Commons.

It is necessary to verify this statement by a careful and minute comparison between the advice received and the measures adopted. To avoid the possibility of error, the successive recommendations of the Committee of 1828 shall be transcribed at length, with no other deviation than that of changing the order in which the topics are successively arranged in their report; an order dictated by considerations of an accidental and temporary nature, but otherwise inconvenient as postponing many of the weightier topics to some of comparatively light importance.

First, then, the report of 1828 contains the following advice of the Canada Committee on the subject of finance: "Although from the opinion given by the law officers of the Crown, your Committee must conclude that the legal right of appropriating the revenues arising from the Act of 1774 is vested in the Crown, they are prepared to say that the real interests of the provinces would be best promoted by placing the receipt and expenditure of the whole public revenue under the superintendence and control of the House of Assembly." "If the officers above enumerated are placed on the footing recommended," (that is, in a state of pecuniary independence on the assembly) "your Committee are of opinion that all the

the revenues of the province, except the territorial and hereditary revenues, should be placed under the control and direction of the legislative assembly."

The strict legal right of the Crown to appropriate the proceeds of the statute 14 Geo. 3, c. 88, being thus directly maintained, the renunciation of that right was recommended on condition that "the governor, the members of the executive council and the judges should be made independent of the annual votes of the House of Assembly for their respective salaries." What then has been the result? His Majesty has renounced these his acknowledged legal rights, but has not stipulated for the performance, on the part of the assembly, of the conditions thus imposed upon them, and to the present moment that condition remains unfulfilled. By the British statute 1st & 2d Will. 4, c. 73, which was introduced into Parliament by His Majesty's then confidential advisers, the appropriation of the revenues of the 14th Geo. 3 is transferred to the assembly absolutely, and without either that qualification which the committee proposed, or any other. Here, then, it cannot be denied that their advice has been followed, not only with implicit deference, but in a spirit of concession which they did not contemplate.

Secondly. On the subject of the representation of the people in Lower Canada, the opinion of the Committee was expressed in the following terms: "Your Committee are now desirous of adverting to the representative system of Lower Canada, with respect to which, all parties seem to agree that some change should take place." After detailing the various causes which had led to an inequality in the number of the members of the assembly in favour of the French inhabitants of the seigneuries, and therefore to the prejudice of the inhabitants of English origin in the townships, the Committee passed from the subject, with the following general remark: "In providing a representative system for the inhabitants of a country which is gradually comprehending within its limits newly peopled and extensive districts, great imperfections must necessarily arise from proceeding in the first instance on the basis of population only. In Upper Canada a representative system has been founded on the compound basis of territory and population. This principle, we think, might be advantageously adopted in Lower Canada."

It was with the entire concurrence of His Majesty's Government that the Legislature of Lower Canada assumed to themselves the duty of giving effect to this part of the advice of the Committee. That report had laid down the general principle, that with one exception, "all changes, if possible, be carried into effect by the local Legislature themselves," and to that principle the Ministers of the Crown adhered, even in a case where the dominant majority of the assembly had an interest directly opposed to that of the great body of English inhabitants, for whose special relief the new Representation Bill was to be enacted. Such a Bill was accordingly passed, and was reserved for the signification of His Majesty's pleasure. It actually received the royal assent, and is, at this day, the law of the province.

In this case also the concessions made to the Canadian inhabitants of French origin were far greater than the authors of the report of 1828 could have had in contemplation. The Upper Canadian principle, of combining territory and population as the basis of elective franchise, was not adopted in Lower Canada; the assembly substituted for it a new division of the country, of which the effect has been to increase rather than to diminish the disproportion between the number of members returned by the English and those representing the French Canadian interest. This result of the Bill was distinctly foreseen by the official advisers of the Crown, and it became the subject of grave deliberation whether His Majesty should be advised to acquiesce in a scheme which followed the advice of the Canada Committee, so far indeed as to effect a material change in the representative body, and so far as to give to the English settlers a few more voices in the assembly, but not so far as to secure to them any additional weight in the deliberations of that house. It is not within the object of this minute to defend or to explain the motives of the ultimate decision in favour of the Bill. For the present purpose it is enough to say, that the acceptance of it gave to the Canadians of French origin far more than the report of 1828 authorized them to expect.

Thirdly. Inferior only in importance to the topics already noticed is that of the independence of the judges, respecting which the following passage may be extracted from the report of 1828: "On the other hand, your Committee, while recommending such a concession on the part of the Crown," (the concession, that is, of the revenue), "are strongly impressed with the advantage of rendering the judges independent of the annual votes of the House of Assembly for their respective salaries. Your Committee are fully aware of the objections in principle which may be fairly raised against the practice of voting permanent salaries to judges who are removable at the pleasure of the Crown; but being convinced that it would be inexpedient that the Crown should be deprived of that power of removal, and having well considered the public inconvenience which might result from their being left in dependence upon an annual vote of the Assembly, they have decided to make the recommendation in their instance of a permanent vote of salary."

Thus the Canada committee of 1828 were of opinion that the judges ought to be independent of the Assembly for their incomes, but ought to continue liable to removal from office at the pleasure of the Crown. Yet, so far have the British Government been from meting out relief to the province grudgingly, or in any narrow spirit, that they have left nothing unattempted which could secure to the judges, not merely that pecuniary independence which the committee advised, but that independent tenure of office also which their report expressly dissuaded. In the adjacent province of Upper Canada, both objects have been happily accomplished. In his despatch of the 8th April 1831, No. 22, the Earl of Ripon

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explained to Lord Aylmer the course of proceeding which had been adopted for asserting the independence of the judges in this kingdom, and signified to the governor His Majesty's Commands to avail himself of the earliest opportunity for proposing to the Legislative Council and Assembly of Lower Canada the enactment of a Bill, declaring, that the commissions of all the judges of the Supreme Courts should be granted to endure during their good behaviour, and not during the royal pleasure; and Lord Aylmer was further instructed, in the name and on behalf of His Majesty, to assent to a Bill for carrying that object into effect. Lord Ripon, however, declared it to be, "of course, an essential condition of this arrangement that an adequate and permanent provision should be made for the judges." It remains to state the result. A Bill was passed by the House of Assembly, by which, indeed, the tenure of the judicial office was made to depend on the good behaviour of the judges, and by which a provision, adequate in amount, was made for them. But that provision was so granted as to be liable to be diminished or taken away by the annual votes of the House of Assembly. To this measure, so popular in its general character or pretensions, were also "tacked," to adopt the usual parliamentary phrase, clauses, by which a right to dispose of the Territorial Revenue of the Crown was assorted, and by which all the public officers in the colony, the governor himself not being expressly excepted, were made amenable to a tribunal to be constituted for the trial of all impeachments preferred by the representatives of the people. Such was the return made to an act of grace, which the Canada committee themselves had expressly dissuaded. To have acquiesced in it would have involved a sacrifice of whatever is due to the dignity of the King, and to the liberties of His Majesty's subjects. His Majesty's assent was therefore withholden, though not without the expression of the deepest regret, and the most distinct offer to assent to any other Bill for establishing the independence of the judges, which should be exempt from such objections. The House of Assembly, however, have never since tendered an act of that nature for the acceptance of His Majesty, or of His Majesty's representative in the province.

Fourthly. The next topic is that of the composition of the Legislative and Executive Councils, respecting which the following suggestions occur in the Report of 1828: "One," it is said, "of the most important subjects to which their inquiries have been directed, has been the state of the Legislative Councils in both the Canadas, and the manner in which these assemblies have answered the purposes for which they were instituted. Your Committee strongly recommend that a more independent character should be given to these bodies; that the majority of their members should not consist of persons holding offices at the pleasure of the Crown; and that any other measures that may tend to connect more intimately this branch of the constitution with the interest of the colonies would be attended with the greatest advantage. With respect to the judges, with the exception only of the Chief Justice, whose presence on particular occasions might be necessary, your Committee entertain no doubt that they had better not be involved in the political business of the house. Upon similar grounds it appears to your Committee that it is not desirable that judges should hold seats in the Executive Council."

With what scrupulous exactness these recommendations have been followed will now be shown. With respect to the judges, Lord Ripon, in the Despatch of the 8th of February already quoted, conveyed to Lord Aylmer His Majesty's commands to signify to the Legislative Council and Assembly His Majesty's settled purpose to nominate on no future occasion any judge as a member either of the Executive or of the Legislative Council of the province. It was added, that the single exception to that general rule would be, that the Chief Justice of Quebec would be a member of the Legislative Council, in order that the members of that body might have the benefit of his assistance in framing laws of a general and permanent character. But His Majesty declared His purpose to recommend even to that high officer a cautious abstinence from all proceedings by which he might be involved in any political contentions of a party nature.

It was not in the power of the King's government to remove from the Legislative Council any of the judges who had already been appointed to be members of that body, because the terms of the Constitutional Act secure to them the enjoyment of their seats for life. But in a private Despatch of the same date, the four gentlemen who had at that time combined the judicial character with seats in the council, were earnestly exhorted to resign their places as councillors, and were assured that nothing should be wanting to rescue them from any possibility of misconstruction as to the motives by which that advice had been dictated or obeyed. In point of fact, it was not accepted; but the judges unanimously agreed to withdraw from all active interference in the business of the council, and have never since attended its sittings. The Chief Justice indeed, as was recommended by the Canada committee, forms the single exception; but even that gentleman, as far as the information of this office extends, has confined his interference within the limits prescribed to him by the committee, and by the Earl of Ripon.

The principles laid down by the committee of 1828 for regulating the composition of the Legislative Council have been not less strictly pursued in every other respect. Since the date of their report 18 new members have been appointed. Of that number, there is not one who holds any office or place of emolument at the pleasure of the Crown, or who is in any other manner dependent upon the favour of His Majesty or of His official advisers. Of the 18 new members ten are of French origin. The total number of councillors is 35, of whom only seven hold public offices. Amongst them is the Bishop of Quebec, who is in the fullest sense of the term independent of the Crown. The Chief Justice, whose dependence is altogether nominal, is another. Of the whole body of 35 members, there remain therefore

but

but five, over whom the executive government can, with any reason or plausibility, be said to possess any direct influence.

It is, therefore, not without a reasonable confidence that the words in which the committee of 1828 suggest the proper composition of the Legislative Council may be adopted as precisely descriptive of the manner in which it is actually composed. "A more independent character" has been given to that body. The "majority of the members does *not* consist of persons holding office at the pleasure of the Crown." This branch of the constitution has been connected "more intimately with the interest of the province," by the addition of a large body of independent Canadian gentlemen.

But the case may be carried still farther, and it may be shown that, in respect to the councils, the efforts of Lord Aberdeen's predecessors have left behind them the advice of the Canada committee. The executive council has also been strengthened by the addition of three members of French origin. A seat was offered to Mr. Neilson, the most prominent of the delegates from the House of Assembly of 1828, and to Mr. Papineau, the speaker of that house. It need scarcely be said that it was impossible to give a more decisive proof of the wish of the ministers of the Crown, that the composition of the Canadian councils should be acceptable to the great majority of the people.

Fifthly. The next in order of the recommendations of that committee relates to the clergy reserves, a subject on which they employed the following language: "As your Committee entertain no doubt that the reservation of these lands in mortmain is a serious obstacle to the improvement of the colony, they think every proper exertion should be made to place them in the hands of persons who will perform upon them the duties of settlement, and bring them gradually into cultivation."

Although the views of the committee were thus limited to the improvement of the clergy reserves, the Government advanced to the redress of the evil indicated in the report, by a measure not only far more decisive, but eminently remarkable for the confidence it expressed in the Provincial Legislature. The constitutional Act having authorized His Majesty, with the advice of the Legislative Council and Assembly, to vary or repeal any of the provisions therein made for the allotment and appropriation of lands for the support of the Protestant clergy, Lord Ripon availing himself of that enactment, proposed that the power of repeal should be exercised by those bodies, and should be accompanied with a declaration that the reserve lands should merge in the general demesne of the Crown. The object of this proposal was to bring the reserves within the reach of the general rules under which all the waste lands of the province are progressively sold to the highest bidder. To prevent any possible misconception of the views of His Majesty's Government, the draft of a Bill for the accomplishment of this design was transmitted to Lord Aylmer, with instructions to give his assent, if such a law should be presented for his acceptance. To obviate the risk of offence being given, by suggesting to the House of Assembly the exact language, as well as the general scope of a measure to originate with them, Lord Aylmer was directed to proceed with the most cautious observance of the privileges of that body, and of all the constitutional forms. Anticipating the contingency of the measure being adopted in substance, but with variations in the terms, Lord Ripon further stated that in that event the Bill was not to be rejected by the governor, but was to be specially reserved for the signification of His Majesty's pleasure.

In obedience to these directions, the Bill was introduced into the House of Assembly, but did not pass into a law. That it would have effectually removed the grievance pointed out by the Canada committee has not been disputed, nor can the ministers of the Crown be held in any sense responsible for the continuance of an evil for which they had matured so complete a remedy. The only explanation which has ever been given of the failure of the proposal is, that the Solicitor-general, Mr. Ogden, had used some expressions, whence it was inferred that His Majesty's Government would reject the Bill if altered in a single word. It is scarcely credible that this should be an accurate surmise of the real cause of the loss of the Clergy Lands Appropriation Bill. It is not to be believed, that the Assembly of Lower Canada would have rejected an unobjectionable proposal for the redress of a grievance of which complaint had been long and loudly made, for no other reason than that a public officer, not of the highest rank or consideration, had used some casual expression in which the ultimate views of His Majesty's advisers were inaccurately explained. To the governor, application could have immediately been made for more authentic information; and in fact the tenor of the despatch which had been received by Lord Aylmer was perfectly well known throughout the province to every person who felt any interest on the subject. The measure has never since been revived; and it must be therefore assumed, that the Assembly are less anxious than Lord Ripon supposed for the removal of this obstruction to agriculture and internal improvement. Be that as it may, the British Government are completely absolved from the responsibility thrown upon them by this part of the report of the Canada committee.

Sixthly. That body proceeding to other subjects connected with the wild lands of the province, expressed their opinion that "it might be well for the Government to consider whether the Crown reserves could not be permanently alienated, subject to some fixed moderate reserved payment, either in money or in grain, as might be demanded, to arise out of the first ten or fifteen years of occupation." They add, "that they are not prepared to do more than offer this suggestion, which appears to them to be worthy of more consideration than it is in their power to give to it; but that in this, or in some such mode, they

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are fully persuaded the lands thus reserved ought, without delay, to be permanently disposed of."

In pursuance of this advice, Lord Ripon directed the sale of the Crown reserves throughout the province, as opportunity might offer, precisely in the same manner as any other part of the royal demesne. The system has undergone an entire change, and the Crown reserves considered as distinct allotments, left in their wild state to draw a progressive increasing value from the improvement of the vicinity, have no longer any existence.

Seventhly. Another abuse connected with the wild lands of Lower Canada was noticed by the Committee in the following language: "One of the obstacles which is said greatly to impede the improvement of the country is the practice of making grants of land in large masses to individuals who had held official situations in the colony, and who had evaded the conditions in the grant, by which they were bound to provide for its cultivation, and now wholly neglect it. Although powers have been lately acquired by the government to estreat those lands, and although we think that, under certain modifications, this power may be advantageously used, we are nevertheless of opinion that a system should be adopted similar to that of Upper Canada by the levy of a small annual duty on lands remaining unimproved and unoccupied contrary to the conditions of the grant.

The remedial measure of a tax on wild land, which is suggested in the preceding passage, could of course originate only with the representatives of the people, and the House of Assembly have not indicated any disposition to resort to that mode of taxation. To such a Bill, if tendered by them, His Majesty's assent would have been cheerfully given; yet the King's government did not omit to avail themselves of all those remedial powers with which the Crown is intrusted. It is little to say, (though it may be stated with the strictest truth) that since the date of the report the system reprobated by the committee, of granting land in large masses to individuals, has been entirely discontinued; it is more material to add that this change in practice is the result of a series of regulations established on Lord Ripon's advice in Lower Canada, and indeed throughout all the other British Colonies. The system of gratuitous donations of land has been abandoned absolutely and universally, and during the last three years all such property has been disposed of by public auctions to the highest bidder, at such a minimum price as to ensure the public at large against the waste of this resource by nominal or fictitious sales. This is not the occasion for vindicating the soundness of that policy which, however, if necessary, it would not be hard to vindicate. It is sufficient for the immediate purpose of this minute to have shown that on this as on other topics the Ministers of the Crown did not confine themselves to a servile adherence to the mere letter of the Parliamentary recommendation, but embraced and gave the fullest effect to its genuine spirit.

Eighthly. The Committee sought to relieve the province, not only from the evils of improvident reservations and grants of wild lands, but from those incident to the tenures on which the cultivated districts are holden. The following passages on this subject appear in their report: "They do not decline to offer as their opinion that it would be advantageous that the declaratory enactment in the Tenures Act respecting lands held in free and common soccage should be retained. Your Committee are further of opinion that means should be found of bringing into effective operation the clause in the Tenures Act which provides for the mutation of tenure; and they entertain no doubt of the inexpediency of retaining the seigneurial rights of the Crown, in the hope of deriving a profit from them. The sacrifice on the part of the Crown would be trifling, and would bear no proportion to the benefit that would result to the colony from such a concession. The Committee cannot too strongly express their opinion that the Canadians of French extraction should in no degree be disturbed in the peaceful enjoyment of their religion, laws and privileges, as secured to them by the British Acts of Parliament; and so far from requiring them to hold lands on the British tenure, they think that when the lands in the seigneuries are fully occupied, if the descendants of the original settlers shall still retain their preference to the tenure of Fief et Seigneurie, they see no objection to other portions of unoccupied lands in the province being granted to them on that tenure, provided that such lands are apart from, and not intermixed with the townships."

The British Government are again entitled to claim of having to the utmost possible extent regulated their conduct by the language, and still more by the spirit of this advice.

No application has been made for the creation of a new seigneurie, as indeed the period contemplated by the Committee when the seigneurial lands would be fully occupied still seems very remote. It is almost superfluous to add that no attempt has been made to superinduce upon those lands any of the rules of the law of England.

The Crown has also been prompt to bring into the most effective operation the clause of the Canada Tenures Act, which provides for the mutation of tenures; but no lord or censitaire having hitherto invoked the exercise of the powers of the Crown, they have, of necessity, continued dormant. Respecting the soccage lands, some explanation seems necessary. The general principle adopted by the committee, in the passage already quoted, is, that the inhabitants, both of French and of British origin, should respectively be left in the enjoyment of the laws regulating the tenures of their lands derived from their different ancestors, and endeared to either party by habit, if not by national prejudices. It has already been shown that the French Canadians have enjoyed the benefit of this principle to the fullest possible extent; in the anxiety which has been felt to gratify their wishes, it

may

may not be quite clear that equal justice has been rendered to the inhabitants of British descent. The maintenance of so much of the Canada Tenures Act as rendered the soccage lands inheritable and transmissible according to English law, was most unequivocally recommended in the extracts already made from the report. The Provincial Legislature, however, in their session of 1829, made provision for the conveyance of such lands in a manner repugnant to this British Statute; of course His Majesty could not be advised to assent to a law which directly contravened an Act of Parliament. Such, however, was the anxiety of the King's Ministers to avoid every needless cause of jealousy, that a Bill (1 Will. IV. c. 20) was introduced into Parliament by Lord Ripon, and passed into a law, in order to relieve His Majesty from this difficulty. The Canadian Act was then accepted; nor was this all, striving to multiply to the utmost possible extent every proof and expression of respect and confidence towards the provincial Legislature, the Government introduced into the British Statute, which has been last mentioned, a further enactment, of which the effect was to absolve the Canadian Legislature in future from every restraint laid upon them by any Act of Parliament regulating the various incidents of the soccage tenure in the province. The barriers erected for the defence of the British settlers by the caution of Parliament in the years 1791 and 1826, were thus overthrown, in order that there might be the fewest possible exceptions to the principle of confiding to the Canadian Legislature the regulations of the internal interests of Lower Canada. No one will deny that this unsolicited concession was made in the spirit of the most large and liberal acceptance of the advice of the Canada committee, so far at least as the views and interests of the dominant majority of the House of Assembly are concerned.

Ninthly. The next is the subject of the Jesuit's estates, in reference to which the views of the Committee of 1828 are expressed as follows: "With respect to the estates which formerly belonged to the Jesuits, your Committee lament that they have not more full information, but it appears to them to be desirable that the proceeds should be applied to the purposes of general education."

Far, indeed, beyond the letter of this advice did the concessions made by His Majesty on the advice of Lord Ripon proceed; not only were the Jesuit's estates "applied to purposes of general education," but the Provincial Legislature were authorized to determine what specific purposes of that kind should be preferred, and the proceeds of the estates were placed for that purpose unreservedly under their control. No suggestion has been made impeaching the fulness of this concession, except as far as respects certain buildings occupied for half a century past as a barrack; even if a rent should be payable by the Crown for the use of those barracks (the single question admitting of debate), it would be idle on that ground to deny either the importance of the concession made, or the almost unbounded confidence in the House of Assembly, perceptible in the form and manner in which the Crown renounced to them, not merely a proprietary right, but even an administrative function.

Tenthly. To the positive recommendations which have already been considered, succeeds another, of which the end is rather to dissuade than to advise the adoption of any specific measure: "The Committee (it is said) are desirous of recording the principle which, in their judgment, should be applied to any alterations in the constitutions of the Canadas, which were imparted to them under the formal Act of the British Legislature of 1791. That principle is to limit the alterations which it may be desirable to make by any future British Acts, as far as possible, to such points as, from the relation between the mother country and the Canadas, can only be disposed of by the paramount authority of the British Legislature, and they are of opinion that all other charges should, if possible, be carried into effect by the local Legislatures themselves, in amicable communications with the local government."

So rigidly has this principle been observed, that of two Acts of Parliament which since 1828 have been passed, with reference to the internal concerns of the province, the common object has been so to enlarge the authority of the provincial Legislature as to enable His Majesty to make, with their concurrence, laws to the enactment of which they were positively incompetent. The Acts in question are those already noticed, by which the revenues of Geo. 3. were relinquished, and the regulation of soccage tenures was transferred to the governor, council and assembly.

Eleventhly. "The committee," again to borrow their own words, "recommended for the future, that steps should be taken by official securities, and by a regular audit of the accounts, to prevent the recurrence of losses and inconveniences to the province, similar to those which had occurred in Mr. Caldwell's case, and, as connected with this branch of the inquiry, they recommended that "precautions of the same nature should be adopted with regard to the sheriffs."

In reference to these suggestions, Sir George Murray proposed to the House of Assembly, and Lord Ripon repeated the proposal, that the public accountants should pay their balances, at very short intervals, into the hands of the commissary-general, tendering the security of the British Treasury for the punctual repayment of all such deposits. The scheme embraced a plan for a regular audit and for the punctual demand of adequate securities. Sir James Kempt and Lord Aylmer were successively instructed to propose to the Legislative Council and Assembly the enactment of such a law. The proposal was accordingly made to the Assembly in the year 1829, and was repeated in the year 1832. On each occasion it was the pleasure of the House to pass it by in silence. That they had good reasons for their

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conduct it would be unjust and indecorous to doubt. Those reasons, however, remain to this moment completely unknown to the Executive Government, who, having exhausted all their authority and influence in a fruitless attempt to give effect to this part of the Canada committee's recommendations, cannot, with any reason, be held responsible if they still have failed to produce the advantage contemplated to the province at large.*

Twelfthly. A further recommendation of the committee is conveyed in the report in the following terms: "Your Committee also beg leave to call the particular attention of the Government to the mode in which juries are composed in the Canadas, with a view to remedy any defects that may be found to exist in the present system."

Here again the Government pressed upon the House of Assembly the importance of giving effect to the views of the committee, and in fact, a law has received the Royal Assent, having for its object the improvement of the jury system—an object which has been pursued by those methods which the House of Assembly themselves devised or adopted.

Thirteenth. The report proceeds to recommend, "That the prayer of the Lower Canadians for permission to appoint an agent in the same manner as agents are appointed by other colonies, which possess local Legislatures should be granted."

His Majesty's Government have accordingly repeatedly authorized the governor to assent to any Bill which might be passed for that purpose. No such Bill has, however, been presented for Lord Aylmer's acceptance. The Assembly, in opposition to the advice of the committee that the habits of other colonies should be followed as a precedent, have chosen to nominate, by resolutions of that House alone, gentlemen deputed to represent them in this kingdom, but who have not, as in other colonies possessing Legislative Assemblies, been appointed by an Act of the entire Legislature.

Fourteenth. Upon the most careful perusal of the report of 1828, no other recommendations can be found addressed to the King's Government, although the committee, addressing themselves in that instance rather to the local Legislature, have advised that mortgages should be special, and that in proceedings for the conveyance of lands, the simplest and least expensive forms of conveyance should be adopted, upon the principles of the law of England; that form which prevails in Upper Canada being probably, under all circumstances, the best which could be selected; and that the registration of deeds relating to soccage lands should be established as in Upper Canada. "In addition," it is added, "to these recommendations, it appears to be desirable that some competent jurisdiction should be established to try and decide causes arising out of this description of property," (that is, the soccage lands), "and that Circuit Courts should be instituted within the townships for the same purposes."

In these passages, the design of the committee was to administer to the relief of the settlers of English origin, and their claims were pressed by Sir George Murray on the attention of the Assembly. Some advance has been accordingly made towards the establishment of a registry of deeds and of local courts in the townships. Respecting the law of mortgages, and the forms of conveyancing, it does not appear that the Assembly have hitherto interposed for the relief of that part of the constituent body.

Concluding at this point, the comparison between the advice tendered to the Government and the measures adopted in pursuance of it, it may be confidently asserted that the general statement made at the commencement of this minute has been substantiated. To the utmost limit of their constitutional power and legitimate influence, successive administrations have earnestly and successfully laboured to carry the report of 1828 into complete effect in all its parts. It has already been shown with how cordial an acquiescence that report was received by the House of Assembly, with what liberal eulogies the talent, the patriotism, the knowledge and the intimate acquaintance with Canadian affairs of its authors were commanded; how that document was hailed as the faithful interpretation of the wishes and wants of the Canadian people; and how the British Government were called upon by the House of Assembly to look to that report as their guide in remedying existing grievances, and obviating difficulties for the future. That this guide should have been studiously followed, that its suggestions should have been invariably construed and enforced, with no servile adherence to the letter, but in the most liberal acceptance of its prevailing spirit, and yet that such efforts should have been unavailing to produce the expected conciliation, may well justify the deepest regret and disappointment.

(signed) *Aberdeen.*

* They have not, however, abstained from such measures as were within their own power. They have established a fire-proof vault with three keys, held by three separate officers of high rank, all of whom must be present whenever it is opened, and they have provided that the Receiver-general shall not hold in his hands any balance exceeding 10,000 £. without depositing it in this vault, and that once at least in every year the contents of the vault shall be inspected or reported on by five persons named by the governor for the purpose. They have also taken security from the Receiver general to the extent of 10,000 £, with two sufficient sureties, and have required him to render statements of his accounts on the 1st of January, 1st of April, 1st of July and 1st of October in every year.

— No. 2. —

COPY of a DESPATCH from Lord Glenelg to His Majesty's Commissioners of Inquiry in Lower Canada.

My Lord and Gentlemen,

Downing-street, 17 July 1835.

No. 2.

Despatch from
Lord Glenelg to
Commissioners of
Inquiry,
17 July 1835.

THE general objects of the mission to Lower Canada, with which His Majesty has been pleased to entrust you, are explained in my accompanying despatch of this date. The purpose of my present communication is, to lay down for your guidance such rules as appear to me necessary respecting the mode in which your duties as commissioners should be performed.

1. For your assistance in the execution of the powers confided to you, His Majesty has been pleased, on my recommendation, to appoint Mr. Thomas Frederick Elliot to be your secretary. The station which that gentleman has for some years past occupied in this department has rendered him familiar with the recent political history of the Canadian provinces, and, generally, of British North America. He will bring to the office for which he has been selected, the still more important qualifications of general ability, of talents both natural and acquired for civil business, and of the habitual discretion and secrecy learned by the devotion of several years to official life.

2. I have concerted with the Lords Commissioners of the Admiralty all the arrangements necessary for your conveyance to Quebec. You will embark for that port on board His Majesty's ship the *Pique*, now lying at Spithead under sailing orders.

3. I have made with the Lords Commissioners of the Treasury all necessary arrangements for defraying the expenses of the commission, and for the remuneration of the two junior commissioners and of the secretary. For your information on those subjects I enclose copies of the correspondence which has passed between my under-secretary, Sir George Grey, and the assistant-secretary of the Treasury.

4. The confidence which His Majesty so unreservedly places in your discretion might seem to supersede the necessity of my prescribing any regulations respecting the forms to be observed in the conduct of your duties as commissioners. But although I am anxious that you should be fettered by no needless restrictions, yet experience forbids me to suppose, that on any occasion like the present there may not be some advantage in prescribing some few elementary rules of procedure, especially since the relaxation or entire abrogation of them might be readily authorized by His Majesty, if in the result they should prove either inapplicable or inconvenient.

5. Your official inquiries must of course be conducted either by the examination *viva voce* of witnesses, or by the inspection of documents. I do not anticipate any difficulty in your procuring, either in original or otherwise, all records and papers which you may find it necessary to inspect. The attendance of witnesses unwilling to give their testimony, or the obtaining full answers from any reluctant witness who may attend, may be occasionally accompanied by serious embarrassment. His Majesty has conferred upon you no powers to compel obedience to your citations; I am not aware that it would have been possible to arm you with any such authority, still less am I convinced that it would have been expedient. You proceed to Lower Canada on a mission of conciliation and peace, and could not, without much danger to your success, appear in the province enforcing a new and invidious, and indeed a doubtful power. I do not, however, suppose that any general reluctance will be felt to lay before you such information as you may be desirous to obtain. The various officers of the government will attend your citations as a matter of course, and as a part of their duty to His Majesty. One large section of the Canadian people will, it may be presumed, press forward to establish the complaints which they have urged against the dominant majority in the Assembly: their antagonists will not, probably, allow such evidence to pass without contradiction; and if in any case a resistance should be opposed to your inquiries, it will, I trust, yield to the influence of the courtesy, kindness and respect which will characterise your demeanour toward all classes of the King's subjects in the province. I am not anxious that you should be armed with any sterner authority.

6. I have hitherto assumed that your investigations are to be conducted in a formal and official manner, by the examination of evidence either oral or documentary.

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mentary. There are, however, other means not less valuable of acquiring an accurate view of the state of affairs in the province, of which you will avail yourselves.

Especially you will, as opportunity may offer, enter into an unrestrained intercourse with the inhabitants of different classes, whether of French or English origin; whether engaged in commerce or in agriculture, or in any of the learned professions. Maintaining at all times due circumspection and reserve in the expression of your own opinions, you may acquire a great insight into the prevailing state of public feeling, by watching with an observant eye all the indications afforded at public meetings, voluntary associations, or in the ordinary intercourse of society. Nor will the political writings and periodical literature of the province escape your notice. In short, you will give that wakeful attention to whatever is passing around you, indicative of the political state of Lower Canada, which a rational curiosity would recommend to persons holding no official station.

7. It may be convenient, for the more effectual prosecution of your inquiries, to transfer the meetings of the commission from Quebec to some other of the principal towns of Lower Canada, and especially to some places in the eastern townships. Occasionally also it may be necessary to communicate with persons residing in places remote from those towns, and not conveniently accessible by the commissioners collectively. To meet exigencies of this nature, you will transfer your sittings to any place within the province which you may think most convenient for the purpose; or you will delegate either of the junior commissioners, or the secretary, to collect evidence and prosecute investigations in places not adapted to receive the whole commission.

8. Any two of the three commissioners should form a quorum for the dispatch of business; the absence of any one, however, is to be deprecated, except on the pressure of some evident necessity: the chief commissioner will especially attend as often as his duties as governor of the province will permit. It is superfluous to remark, that his convenience will be habitually consulted in this respect by his colleagues, as they would be prompt to anticipate any instruction of that nature.

9. All questions proposed for decision at any meeting must be decided by the majority of votes; such votes being given by the commissioners in the reverse of the order in which they are named in the commission.

10. The secretary (except during the occasional absences already supposed) will be present at all your deliberations; not indeed to vote, nor even, in the proper sense of the term, to deliberate jointly with yourselves, but to assist by such suggestions or statements as he may think it right to communicate.

11. In the event of any difference of opinion arising between you, upon any question connected with your commission, it will be important to observe that no separate communications from any member of the commission must be addressed to this department. Each commissioner will be at liberty to record his own views on the minutes, and to controvert, in the same place, any statement or argument of any of his colleagues. Such written discussions will, of course, be conducted with the temper and in the style appropriate to such an occasion. When completed, and not till then, the secretary will transcribe the whole of such entries, which must then be transmitted to this department for His Majesty's decision.

12. All communications to the Secretary of State will be made in your joint names, and subscribed with your respective signatures; all other correspondence will pass, in the name of the commissioners, through the secretary.

13. You will avail yourselves of the service of the secretary, so far as you may find it practicable or convenient, in drawing up resolutions or other documents to be entered on your minutes. It will probably be found that papers framed, not by one of yourselves, but by your principal officer, will be more unreservedly discussed, and more frankly subjected to the necessary revision, than if the plan were reversed.

14. I cannot too earnestly enjoin upon you the observance of the most careful circumspection to prevent the premature disclosure or detection of the conclusions which you may be disposed to adopt upon any of the subjects of your inquiry; any indiscretion in this respect might greatly embarrass His Majesty's Government, and frustrate the successful issue of the mission. Even in the questions to be proposed to witnesses, and in the very tones and manner of the querist, this habitual caution should be exercised. It is of the utmost importance to prevent the jealousies and to keep alive the good-will of all the parties concerned.

15. In the accompanying despatch you will find some intimations of the order in

in which your inquiries are to be pursued and your reports presented. In other respects you will exercise your own judgment, as to the number of separate reports which it will be most expedient to make, and as to the order in which they should follow each other. His Majesty's Government are anxious for the completion of your duties, by the earliest period compatible with the effective discharge of them. Your reports must be completed and signed in Lower Canada; for I have reason to expect that the chief commissioner will, after the close of the commission, remain in the province as governor, to give effect to the measures which it may be thought right to adopt: it will, therefore, be impossible to postpone the completion of your reports until after your return to Europe. I will only add, that those reports will be most conveniently made in the form of communications addressed to the Secretary of State, for the information of His Majesty.

I have, &c.
(signed) *Glenelg*.

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Despatch from
Lord Glenelg to
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17 July 1835.

— No. 3. —

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

My Lord,

Downing-street, 17 July 1835.

I HAVE the honour herewith to transmit to your Lordship, first, a commission under the great seal, constituting you governor and commander-in-chief of the provinces of Lower and Upper Canada; secondly, a similar commission for the government of Nova Scotia and Prince Edward's Island; and thirdly, a separate commission for the government of New Brunswick. With these commissions your Lordship will receive the usual instructions under His Majesty's sign-manual, explanatory of the general rules according to which the powers they confide to you are to be exercised.

No. 3.

Despatch from
Lord Glenelg to
the Earl of Gosford,
17 July 1835.

In my despatch of this date I have conveyed to your Lordship, to Sir Charles Edward Grey, and to Sir George Gipps, the commission under the great seal, addressed to yourself and to them jointly, constituting you and them His Majesty's commissioners of inquiry in Lower Canada.

The object with which I now address your Lordship is, to convey to you, in obedience to the King's commands, His Majesty's pleasure regarding several subjects upon which you will be called to take some step, not as chief commissioner, but in your character of governor of Lower Canada, and upon which it will be both practicable and expedient to act promptly and at once, without awaiting the investigation and reports of the commissioners.

Your Lordship proceeds to Canada at a moment of no common difficulty and importance. In every part of the instructions with which, either as chief commissioner or as governor, you are charged, conciliation and the reconciliation of all past differences are studiously presented as the great objects of your mission. It is therefore needless to reiterate on the present occasion the admonitions which you have already received, to secure the confidence of the House of Assembly, and to cultivate the good-will of the Canadian people of all ranks and classes. I am well assured that in the absence of any such injunction your Lordship would have exercised, in the high office with which His Majesty has entrusted you, that discretion and urbanity which are so eminently required for the satisfactory performance of your arduous duties.

It may not, however, be improper to address to your Lordship one caution of a different nature. Whatever may be the ground of the disputes which have so long prevailed between the executive government and the House of General Assembly of the province, it could not with any degree of truth, or even of plausibility, be alleged that they have either originated, or have been prolonged, with a view to any interests, real or imaginary, excepting those of the people of Canada themselves. No motive could possibly be assigned as influencing British policy towards this part of His Majesty's dominions, except the advancement of the social welfare of the inhabitants, and the development of the resources of the country. In promoting these great ends, the King has found an object worthy of the noblest ambition, and of the most earnest solicitude. Even if the counsels submitted to His Majesty for the government of Lower Canada were admitted to be as injudicious as they have been sometimes described to be, yet, even on that supposition,

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the singleness and disinterestedness of the motives by which His Majesty's confidential advisers have been actuated, would be beyond dispute. What has Great Britain to gain by the misgovernment of so important a portion of the British empire? There is no single ground of national competition which could induce the metropolitan state to abuse her authority, or which should make that authority a subject of reasonable distrust to the Canadian people. If it could with any justice be supposed that those who are honoured with a place in His Majesty's more immediate counsels, could be diverted, by the sordid desire of patronage, from the upright discharge of duties so clear and important as those which they owe to British North America, yet it is demonstrable that so unworthy a motive has not exercised the slightest influence on their deliberations. I do not find, for many years past, a solitary example of any place, excepting that of the governor himself, and one or two of the chief officers of customs, having been conferred in Lower Canada on any person except the settled inhabitants of the province, or in consequence of any recommendation but that of the governor. No British Minister, during the present or the last reign, has ever used the patronage of British North America either to promote his political power, or the personal advantage of himself or his connexions. I need scarcely add, that His Majesty is firmly resolved to enforce the observance, in future, of the same just and liberal policy.

Your Lordship, therefore, proceeds to Lower Canada to advocate no British interest, and to secure no selfish ends. To maintain the peace and integrity of the empire, and to mediate between contending parties by whom those blessings have been endangered, is the high and honourable trust confided to you.

I am consequently entitled to claim for your Lordship, and for the constitutional authority which you will exercise as governor of Lower Canada, the respect due in every part of the King's dominions to the representative of His Majesty. Prepared to make every just concession which the well-being of the province may require, His Majesty's confidential advisers will not lend their sanction to any proceedings involving the sacrifice of what is due to the dignity, correctly understood, of His Majesty's Crown and person.

On your Lordship's arrival in Lower Canada, the first and most urgent demand upon your attention will be the means of defraying the arrears due to the public officers for their salaries: for this purpose it will probably be necessary to convene a very early session of the legislature. I do not venture peremptorily to prescribe this measure; but unless reasons, drawn from local circumstances of which I am ignorant, should appear to your Lordship to forbid this course, it will then, I apprehend, be the most expedient.

In the communication which your Lordship will proceed to make to the Assembly in His Majesty's name, you will, in effect, announce that the King is most solicitous and firmly resolved to provide, as far as may be possible, for remedying all the grievances affecting His Majesty's subjects in Lower Canada, of which complaint has been made to Him: that especially, with regard to the disputed question of revenue, the King is disposed to place under the control of the representatives of the people all public money payable to His Majesty, or to His officers in the province, whether arising from taxes or from any other Canadian source; but that this cession cannot be made except on conditions which must be most maturely considered: that to arrange such conditions for the consideration of the Assembly, is one of the principal objects of the commission which His Majesty has been pleased to confide to your Lordship and to your colleagues: that your inquiries into that subject will be undertaken with the utmost promptitude, and pursued with unceasing diligence: that in a session to be holden in the commencement of the year 1836, you hope to submit to the Assembly proposals for such an arrangement: that you are commanded by His Majesty to request that in the meantime the Assembly will provide for the payment of the arrears now due to the public servants in Lower Canada, and for their maintenance pending the inquiry: that upon such a vote being adopted, you are authorized on the part of His Majesty to engage that no part of the casual, territorial or hereditary revenues accruing in the interval shall be applied to any purpose whatever, unless with the assent of the House of Assembly, but that the whole intermediate proceeds of that revenue may be allowed to await the result of the proposed investigations. Your Lordship's address will further comprise an application for the repayment to the military chest of the sum of 31,000 £., advanced in the autumn of last year to meet the exigencies of the public service.

I have stated the substance rather than the terms of this address, because I am
unwilling

unwilling needlessly to fetter your Lordship's discretion as to the selection either of topics or of particular expressions; aware that, in that respect, you will enjoy within the province itself advantages in which no person residing beyond its limits can fully participate.

I trust that the House of Assembly will meet the application thus to be made to them, by placing at your Lordship's disposal the funds necessary for carrying on the public service, pending the inquiries of the commissioners. If that hope should be fulfilled, there will be an end of all difficulties which might otherwise impede the prosecution of your inquiries, and the adjustment of the questions in dispute. If on the other hand the House should decline to meet your proposals, and should refuse to afford leisure for those inquiries which must inevitably precede the adjustment of the financial question, then (with whatever reluctance I contemplate such a contingency) measures of a different kind must be adopted, and these I now proceed to explain.

If the conciliatory assurances of the address to be made by yourself to the House of Assembly, shall unhappily prove insufficient to induce the Assembly to grant the supplies as proposed, even during the intended inquiry, then your Lordship would be left in possession of no local resources for defraying the charges of the administration of justice and of the civil government, except those revenues of which His Majesty is in possession, either in right of the Crown, or under permanent grants made by the Assembly in former times. In the unfortunate case which I am thus compelled to contemplate, it would remain for your Lordship to apply those local resources, as far as they will extend, towards the expenses of the judicial and other civil establishments: you would, however, immediately report to the Secretary of State the difficulty to which you had been reduced, in order that His Majesty's Government might submit to both Houses of Parliament the measures necessary to meet so extreme an emergency. Your Lordship would also be at liberty to apprise the public officers of the province that the Ministers of the Crown unreservedly acknowledged it to be their duty to employ all constitutional means for the protection of public servants against the loss of emoluments earned in His Majesty's service.

It may however be anticipated as the most probable result of your Lordship's address to the Assembly, that they will meet your application for a supply, by demanding a warrant to defray their own contingent expenses. To that demand your Lordship will accede cheerfully and at once.

Whether the Assembly at their meeting on your Lordship's arrival, shall accede to or refuse the applications for a supply pending the inquiries of the commissioners, those inquiries must proceed with all practicable dispatch and care, in order that instructions for your Lordship's guidance, to be founded on the financial report of the commissioners, may be received in the province in time for a session to be holden as early as may be possible, in the spring of 1836. In pursuance of the intention already announced, I now proceed more immediately to the consideration of the subjects which are not noticed in my instructions to the commissioners, but in regard to which your Lordship will have to act promptly and at once as governor of the province.

1. It is alleged that the patronage of His Majesty's government in Lower Canada has been exercised in such a manner as to exclude the Canadians of French descent, not only from the larger number, but from all the more lucrative and honourable of the public employments in their native country.

The abuse of patronage is said to extend still further; some persons are represented as having been preferred to offices, in performing the duties of which they are unable to communicate, except through an interpreter, with the great body of those with whom their affairs are to be transacted. Other successful candidates for office are represented as persons who had made themselves justly offensive to the House of Assembly; while, on the other hand, employments created at the instance of that House with a view to public improvements, have, it is alleged, been studiously denied to those whom the governor had reason to believe would be most acceptable to the Assembly.

It would be scarcely possible to find any terms more emphatic than those employed by the Earl of Ripon, to enjoin the utmost impartiality in the distribution of public offices in Lower Canada, without reference to national or political distinctions, or to any consideration, except that of superior capacity and fitness for the trust. I adopt my predecessor's instructions in their fullest extent; I concur with him in thinking that personal merit and skill, or knowledge, qualifying a candidate

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for the vacant trust, are the chief circumstances to which the governor of the province must have regard; and that in the distribution of offices, it is impossible to adhere with any minute exactness to the rule which the numerical proportion subsisting between the two races might afford. But your Lordship will remember that between persons of equal or not very dissimilar pretensions, it may be fit that the choice should be made in such a manner as in some degree to satisfy the claims which the French inhabitants may reasonably urge to be placed in the enjoyment of an equal share of the Royal favour. There are occasions also on which the increased satisfaction of the public at large with an appointment, might amply atone for some inferiority in the qualifications of the persons selected. To take the most effectual security in His Majesty's power against the recurrence of any abuse in the exercise of this part of His delegated authority in Lower Canada, the King is pleased to command that, in anticipation of any vacancies which may occur in the higher offices in that province, and especially in all judicial offices, your Lordship should from time to time transmit to the Secretary of State, for His Majesty's consideration, the names of any gentlemen resident in Lower Canada, whom you may think best qualified to perform such trusts with advantage to the public. His Majesty proposes to authorize the nomination, as opportunity may occur, of the persons so to be submitted for His choice; having regard to such representations as He may receive from your Lordship, or from any other adequate authorities, respecting the competency of such persons to the public service. His Majesty is further pleased to direct that all offices in the gift of the King, of which the emolument shall amount to or exceed 200 £. per annum, shall be granted under the public seal of the province, in pursuance of warrants to be issued by His Majesty for that purpose; and that, except when the successful candidate shall have been previously approved by His Majesty in the manner already mentioned, he should be informed that his appointment is strictly provisional, until His Majesty's pleasure could be known. The control which it is thus proposed to establish over the hitherto unlimited powers of the governor, is not designed and will not be used as a means of securing to His Majesty's confidential advisers in this kingdom any beneficial patronage whatever. I have already expressed my entire approbation of the system hitherto observed, of considering public employments in Lower Canada as properly appropriate to the inhabitants of the province. Without giving a pledge against any deviation from that rule in any solitary case (for such a pledge might in the event prove embarrassing to all parties, and prejudicial to the welfare of the province), I can yet have no difficulty in acknowledging the rule as a general maxim from which no departure should be admitted, unless on grounds so peculiar as plainly to justify the exception.

It has also been represented, that in some cases the same individual is charged with numerous offices of which the duties are incompatible, either by creating a larger demand on the time of the officer than any one man is able to meet, or by placing him in situations of which the appropriate functions clash and interfere with each other. From the generality of the terms in which this complaint has been made, it has not been in my power to ascertain the extent or reality of this grievance; but in whatever degree it may be found to exist, your Lordship will understand that His Majesty expects that it should be completely remedied: that all persons occupying any such incompatible employments should be called upon to renounce such as they cannot efficiently execute; and that in future the general rule must be, that no person should be entrusted with any office of which he cannot discharge the proper duties with due punctuality and method in his own person.

2. Complaint is made of an unjust partiality in favour of the use of the English language in all official acts. The foundation of this complaint appears to be, that 13 years ago a Bill for the union of the two Canadas was brought into Parliament by the then Government, which, had it passed into a law, would have made English the single official language of both. I have no motive for defending a scheme which was rejected by the House of Commons. A case is also said to have occurred at the distance of about 11 years since, in which the Judges refused to entertain an action, because some part of the proceedings had been written in the French language. This is admitted to be an isolated case; and it is acknowledged, that neither in the courts of law nor in the legislature is any preference of one language over the other really shown. I therefore do not find any grievance on this subject susceptible of a remedy; nor is it in my power to strengthen the injunctions of Lord Ripon, on the impropriety of any such preference of the English over the French tongue. As, however, the complaint has been again urged by

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the House of Assembly, your Lordship will take the earliest opportunity of assuring them, that His Majesty disapproves, and is desirous to discourage and prevent to the utmost of His power, the adoption of any practice which would deprive either class of his subjects of the use in their official acts of that tongue with which early habits and education may have rendered them most familiar. Your Lordship will signify your willingness to assent to any law which may give, both to the French and the English inhabitants, the most ample security against any such prejudice.

3. Reference has been made to certain rules of court made by the Judges, of which the earliest have been in force for 34 years, and the latest for 19; and which are said to be illegal, and even to amount to a violation of the faith of treaties, and of the pledges of the King and Parliament. It is admitted, that until the year 1834 those rules had been followed, without any complaint having been preferred to His Majesty's Government: I can, indeed, undertake to say, that until the fact was stated in evidence before the Canada Committee of last year, the existence of such rules was altogether unknown in this country. Here, as on so many other topics, I am compelled to revert to the instructions of the Earl of Ripon, and to instruct your Lordship to renew the proposal which he authorized Lord Aylmer to make to the provincial legislature, that a commission should be appointed to revise any rules of court made by the Judges; and that on the report of such a commission, all such rules as are either contrary to law or inexpedient should be revoked. I am not less solicitous than my predecessor, that such an inquiry should be made to embrace all the practice and proceedings of the superior tribunals, with a view to rendering them more prompt and methodical, and less expensive. If the House of Assembly should think that these objects can be better effected by any other method than that of a commission of inquiry, you will concur with them in carrying it into effect.

4. It is said that exorbitant fees have been exacted in some public offices. I have met with no proof or illustration of this statement. You will, however, acquaint the House of Assembly that His Majesty will be happy to concur with them in the revision of the fees of every office in the province without exception, and in the appointment, should they think it expedient, of a commission of inquiry for the purpose. His Majesty has no wish on the subject, but that the remuneration of all public officers, from the highest to the lowest, should be so regulated as to provide for the efficient discharge of the public service; an object which cannot be secured without a fair remuneration to the persons employed by the public.

5. A complaint is made of the practice of calling upon the Judges for extra-judicial opinions on public questions. Here again I know not how to reduce the general statement to any specific form; I can therefore advance no further than to lay down, for your Lordship's guidance, the general rule, that you do not call upon the Judges for their opinion on any question which, by the most remote possibility, may subsequently come before them for decision. I should scarcely hesitate to interdict the practice of consulting them, altogether and without a solitary exception, if I did not remember that there are public contingencies in which the King would, for the common good of his subjects, be bound to take counsel with his Judges. Such cases, however, will be exceedingly infrequent, and will arise only upon some of those great emergencies for which it is scarcely possible, or even desirable, that any definite provision should be made beforehand. To protect the independent exercise of the judicial office, not only against just censure, but even against the breath of suspicion, will be amongst your constant studies and most anxious endeavours.

6. Complaint is made of the interference of the government and the Legislative Council in the election of members of the Assembly. With this general charge, I can deal only in terms equally general. If any such practice prevailed, of which however there is no proof before me, your Lordship will avoid with the utmost care every approach to it. I acknowledge, without any reserve or limitation, the duty of the executive government of Lower Canada to abstain altogether from interference, direct or indirect, in the choice of the representatives of the people: such an encroachment on the principles of the constitution would be unattended even with a plausible prospect of temporary advantage. I earnestly hope that the Assembly were misinformed as to the existence of any such practices; for I am well convinced, that it is by very different methods that the legitimate authority and influence of the King's government in Canada is to be maintained.

7. I have read, not without deep concern, the language in which the House of Assembly have spoken, in their 92 resolutions, of the conduct of the troops during

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the elections at Montreal : it is described as a sanguinary execution of the citizens by the soldiery. Anxious as I am to conciliate, by all just concessions, the favourable regard of the House, I am bound, by the strict obligations of justice to the British army, to protest against the application of such language to any part of a body, not less distinguished by their humanity and discipline, than by their gallantry. The House had appointed a committee to inquire into those proceedings, and had not received the report of the committee when they proceeded to pronounce this censure on the conduct of His Majesty's troops. The officers had been indicted before a grand jury of the country, and the bills had been thrown out for want of evidence. In assuming to themselves the power to inquire, the Assembly exercised their legitimate privilege : in passing a sentence of condemnation pending that inquiry, and in direct opposition to the finding of the proper legal tribunal, they exceeded their proper authority, and acted in opposition to the parliamentary usages of this country. Nor can I receive such an unauthorized expression of opinion with that deference which it is my duty and inclination to show for every judgment of the House, falling within the appropriate sphere of their deliberation.

8. The Assembly further complain that there is no method by which legal demands against the government can be enforced in the province. In the absence of any distinct proof or illustration of the fact, I can only express His Majesty's desire that effectual means may be taken for remedying this alleged defect in the law.

9. The too frequent reservation of Bills for the signification of His Majesty's pleasure, and the delay in communicating the King's decision upon them, is a grievance of which my inquiries lead me to believe the reality. Your Lordship will understand that the power of reserving Bills, granted by the Constitutional Act of 1791, is an extreme right, to be employed not without much caution, nor except on some evident necessity. You will also have the goodness to remember the indispensable necessity of transmitting, with the least possible delay, the transcript of every law of which the operation is suspended for the signification of the Royal pleasure; and of accompanying every such transcript with such full and minute explanations as may be necessary for rendering the scope and policy of them perfectly intelligible, and for explaining the motives by which your Lordship may have been influenced in declining to give your decision in the first instance. You will pledge His Majesty's Government in this country to the most prompt and respectful attention to every question of this nature which may be brought under their notice.

10. My predecessors in office are charged with having, on various occasions, neglected to convey to the House His Majesty's answers to the addresses presented to him by that body. Whether this statement could be verified by a careful examination of any particular cases, I am unable to state with certainty; nor on such a subject is it fit to make a conjectural statement. Your Lordship will, however, assure the House, that His Majesty has been pleased to command, in the most unqualified terms, that every communication that either branch of the provincial legislature may see fit to make to him, be laid before His Majesty immediately on its arrival in this kingdom, and that His Majesty's answer be conveyed to the province with the utmost possible dispatch. The King cannot, however, forget that the delay which may occasionally have taken place in making known in the province His Majesty's decision upon reserved Bills, or upon addresses from either House of General Assembly, may in some instances have been either occasioned or prolonged by circumstances which no promptitude or zeal in His Majesty's service could have obviated; as, for example, the rigour of the Canadian climate obstructing, during a certain period of the year, the direct approach to Quebec and Montreal, and the imperfect nature of the internal communications through His Majesty's dominions in North America.

11. Much complaint is made of the refusal of information for which the House of Assembly have at different times applied to the governor of the province. After a careful examination of the proceedings of the latest session in which any such applications were made, I have not been able to avoid the conclusion that there is just ground for the complaint. I do not perceive that any advantage would arise from entering in this place into a very exact survey of the communications between the House and the governor respecting the production of papers. It is more useful, with a view to the future, to state the general principle by which your Lordship will be guided. I think, then, that the correspondence between your Lordship and the Secretary of State cannot be considered as forming part of those documents of which

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which the Assembly are entitled to demand, as a matter of course, the unreserved and universal inspection or perusal. In the official intercourse between His Majesty and His Majesty's representative in the province, conducted as such intercourse necessarily is through the intervention of the Ministers of the Crown, much confidential communication must necessarily occur. Many questions require to be debated copiously, and in all the various lights in which they may present themselves to the governor or to the Secretary of State: and in such a correspondence it is necessary to anticipate emergencies which eventually do not occur, to reason upon hypothetical statements, and even to advert to the conduct and qualifications for particular employments of particular individuals. It would be plainly impossible to conduct any public affairs of this nature, except on such terms of free and unrestrained intercourse. It is no less plainly impossible to give general publicity to such communications, without needless injury to the feelings of various persons, and constant impediment to the public service. A rule which should entitle a popular assembly to call for and make public all the despatches passing between the King's Government and His Majesty's local representative, would so obstruct the administration of public affairs, as to produce mischiefs far outweighing the utmost possible advantage of the practice.

In the same manner, there will occasionally be communications, in their own nature confidential, between the governor and many of his subordinate officers, which should also be protected from general publicity.

But though I think it right to make this general reservation against the unlimited production of all public documents, I am ready to acknowledge that the restriction itself may admit and even require many exceptions; and that in the exercise of a careful discretion, the governor, as often as he shall judge it conducive to the general good of the province, may communicate to either branch of the legislature any part of his official correspondence, such only excepted as may have been expressly declared or manifestly designed, by the Secretary of State, to be confidential.

But I am not aware of any other document connected with the public affairs of the province, the concealment of which from the Assembly would be really useful or justifiable: especially whatever relates to the revenue and expenditure in all their branches, or to the statistics of the province, should be at once and cheerfully communicated to them. For example, it will be desirable to make to the two Houses such a communication of the blue books, or annual statistical returns, which are compiled for the use of this department; and your Lordship will solicit the assistance of the two Houses of the local legislature, in rendering those returns as accurate and as comprehensive as possible. In short, the general rule must be that of entire freedom from reserve. The particular exception, as it arises, must be vindicated by the terms of the preceding instructions, or by some explanation sufficient to show that secrecy was demanded, not for the protection of any private interest, but for the well-being of the province at large. In every case in which the production of any paper, in answer to any address of either House, may be refused, your Lordship will immediately transmit to this office a statement of the case, with an explanation of the grounds of your decision.

12. The occupation as a barrack of the buildings which anciently were part of the Jesuits' college, is strongly reprobated by the Assembly. I can only remark that this exception from the general transfer of the Jesuits' estates to their disposal, was made and vindicated by Lord Ripon on a ground which has rather acquired a new force, than lost any of its original weight. After an occupation of those buildings for this purpose, for much more than half a century, there has accrued to the Crown a prescriptive title, of which however His Majesty has never sought to avail himself. The King is, on the contrary, anxious that the buildings should be restored, as promptly as possible, to their original use; nor will that measure be delayed for a single day, after other and adequate provision shall have been made for the accommodation of the troops; but it is needless to remark that His Majesty has no funds at his disposal for that purpose. The proposed transfer of all the sources of local revenue to the House of Assembly has deprived the King of the means of providing for this, or any similar service. It must rest therefore with the house to erect or purchase other barracks sufficiently commodious for the garrison, upon which the Board of Ordnance will immediately issue the necessary instructions for evacuating the buildings at present occupied for that purpose.

13. The lease of the forges of St. Maurice to Mr. Bell has been made, and is now irrevocable. I do not conceal my regret, that this property was not disposed

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of by public auction, to the highest bidder. Whatever arrangements may be hereafter settled respecting the territorial revenue, it will be necessary to prevent the granting of any Crown property on lease in the same manner by private contract, and more especially when the contractor is a member of the Legislative Council.

14. Impediments are said to have been needlessly raised to the endowment of colleges by benevolent persons. I fear it is not to be denied, that some unnecessary delay in deciding upon Bills reserved for His Majesty's consideration, having such endowments for their object, did occur: a delay chiefly attributable to political events, and the consequent changes of the colonial administration in this kingdom. I have no wish to withhold a frank acknowledgment of error when really due, to the House of Assembly; because I am persuaded that in that frankness they will perceive the best assurance of the sincerity with which, on behalf of the Ministers of the Crown, a pledge is given for the more prompt and exact attention hereafter, to every measure which has for its object the institution in the province, of any colleges or schools for the advancement of Christian knowledge or sound learning.

15. On the subject of the clergy reserves, of which complaint is still made, the arrangements proposed by Lord Ripon leave His Majesty nothing further to concede. The whole question has been referred to the decision of the provincial legislature. To obviate misconceptions, the draft of a Bill for the adjustment of the claims of all parties was framed under his Lordship's directions, and brought into the House of Assembly. Anticipating the possibility that this Bill might undergo amendments in its progress through the two Houses, materially affecting its character, Lord Ripon had instructed the governor in that event not to refuse his assent, but to reserve the Bill for the signification of His Majesty's pleasure. The loss of the Bill is however ascribed to the solicitor-general having in his place in the House stated, that no amendment would be permitted. The solicitor-general's expressions may have been misunderstood; but if this was their purport, not only was the statement unauthorized, but directly at variance with the spirit of the instructions of the Home Government. I much regret the misapprehension, in whatever cause it may have originated. It may perhaps be ascribed to the fact, that Lord Aylmer did not think himself at liberty to produce to the House the Earl of Ripon's despatches on the subject. Your Lordship will immediately communicate copies of them, inviting the Council and Assembly to resume the consideration of the question upon the terms of Lord Ripon's proposal, to every part of which they may be assured of His Majesty's continued adherence.

16. Lord Aylmer's refusal to issue a writ for the election of a new member of the Assembly, upon the declaration of the House that M. Mondelet's seat had become vacant, is condemned by that body as a violation of their rights. The question has lost much, if not all, of its practical importance since the passing of the recent law for vacating the seats of members accepting places of emolument under the Crown. Still, in justice to Lord Aylmer, I am bound to affirm the accuracy of the distinction in reference to which he appears to have acted. In cases where the vacancy of a seat may, consistently with existing usages, be notified by the House to the governor without assigning the cause, he is bound to presume that the adjudication of the House is right, and must carry it into effect by issuing a new writ. But in cases where usage requires that in the notification to the governor the cause of vacancies should be stated, then, if the cause alleged be insufficient in point of law, the governor is not at liberty to comply with the request of the House. The concurrence of the governor and the House in any measure, cannot render it legal, if it be prohibited by the law of the land. To that rule obedience is emphatically due by those to whom the constitution has assigned the high functions of legislation and of the executive government. If, therefore, Lord Aylmer rightly judged that M. Mondelet's seat had not been lawfully vacated, his Lordship adhered to the strict line of duty in declining to issue the writ for which the House applied. If he entertained a serious and honest doubt on the subject, his Lordship was bound to pause until that doubt could be removed by competent judicial authority. The subsequent introduction by statute of a law for vacating seats in such cases as that of Mr. Mondelet's, would seem sufficiently to establish that his acceptance of office was not followed by that legal consequence.

17. I now approach the case of Sir John Caldwell. It is a subject which has uniformly excited the deepest regret of my predecessors; and I need hardly add, that

that I partake largely of that feeling. His Majesty's Government have offered to the province every reparation which it has been in their power to make, for the original error of allowing monies to accumulate in the hands of a public officer, without taking full securities for the faithful discharge of his trust: they have placed at the disposal of the Assembly whatever could be recovered from Sir John Caldwell, or from his sureties; and your Lordship will now, on the terms to which I have referred in my accompanying despatch, be authorized to surrender to the appropriation of that House, the only funds by which His Majesty could have contributed towards making good the defalcation. Every practicable suggestion has also been made to the Assembly, for preventing the recurrence of similar losses. Nothing, in short, has been left undone, or at least unattempted, to mitigate the evil which the inadequacy of the securities taken from Sir John Caldwell, and the accumulations of public money in his hands, occasioned. Perhaps the legal proceedings against his property might be carried on with greater activity and effect; and if so, your Lordship will lend your aid with the utmost promptitude to that object. It is, indeed, much to be lamented, that for so many years together, on such a case as this, the law should have proved inadequate to secure for the public such property as was in the possession of the defaulter, or his securities, at the time of his insolvency.

I feel, however, that incomplete justice has hitherto been rendered to the people of Lower Canada, in Sir John Caldwell's case. That gentleman has been permitted to retain his seat at the Legislative Council, and still holds that conspicuous station. Whatever sympathy I may be disposed to feel for individual misfortune, and in whatever degree the lapse of years may have abated those feelings of just indignation which were provoked by the first intelligence of so gross a breach of the public trust, I cannot, in the calm and deliberate administration of justice, hesitate to conclude, that it is not fitting that Sir John Caldwell should retain a seat in the legislature of Lower Canada: his continuance in that position, and his management and apparent possession of the estates which formerly belonged to him in his own right, must exhibit to the people at large an example but too justly offensive to public feeling. Your Lordship will cause it to be intimated to Sir John Caldwell, that the King expects the immediate resignation of his office of legislative councillor; and that in the event of the failure of that reasonable expectation, His Majesty will be compelled, however reluctantly, to resort to other and more painful methods of vindicating the government of the province against the reproach of indifference to a diversion of public money from its legitimate use to the private ends of the accountant.

I am not aware that there remains a single topic of complaint unnoticed, either in the preceding pages or in my accompanying instructions to your Lordship and your fellow commissioners. It has been my endeavour to meet each successive topic distinctly and circumstantially, neither evading any of the difficulties of the case, nor shrinking from the acknowledgment of any error which may be discovered in the administration of affairs so various and complicated. I dismiss the subject for the present, with the expression of my earnest hope that His Majesty's efforts to terminate these dissensions may be met by all parties in the spirit of corresponding frankness and good-will; assured that, in that case, His Majesty will not be disappointed in that which is the single object of his policy on this subject,—the prosperity of Canada, as an integral and highly important member of the British empire.

I have, &c.
(signed) *Glenelg.*

— No. 4. —

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

My Lord,

Downing-street, 18 July 1835.

I HAVE the honour to enclose for your Lordship's information, the copy of a letter written by Mr. Baring*, the Secretary to the Lords Commissioners of the Treasury, by their Lordships' directions, in which will be found an explanation of their views and wishes respecting the repayment by the province of Lower Canada, of the sum of 31,000 *l.* advanced by Lord Aylmer on the 27th November last,

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under

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the Earl of *Gosford*,
18 July 1835.

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under their Lordships' sanction, for meeting the pressing exigencies of the public service, during the non-session of the House of Assembly.

In my despatch of the 17th instant, No. 1, I have entered so much at large into the various financial arrangements which it will be your Lordship's duty to make or to propose to the Assembly, that on the present occasion I limit myself to the expression of my entire concurrence in the views of the Lords of the Treasury on this subject, and of my deep solicitude that this claim upon the justice of the House of Assembly may be met by that body in a frank and cordial spirit. Your Lordship will consult your own discretion as to the manner in which the question may be most conveniently brought under their notice; not, however, postponing the application for the repayment of this advance beyond the earliest period which you may deem consistent with the important objects to which your attention has been directed. Whether the case will be most advantageously submitted to the provincial legislature by laying before them a copy of Mr. Baring's letter, supported by a recommendation from yourself, or by an address conceived in the terms, or at least in the spirit of that letter, will be a question for your own consideration.

I have, &c.
(signed) *Glenelg.*

(Enclosure.)

(Enclosure.)

Sir,

Treasury Chambers, 11 July 1835.

I AM directed by the Lords Commissioners of His Majesty's Treasury to request that you will call the earnest and immediate attention of Lord Glenelg to the subject of the repayment of the sum advanced from the military chest in Lower Canada, in aid of the civil government of that province, under Lord Aylmer's warrant of 27th November 1834; and that you will move Lord Glenelg to give directions that such steps should be taken as his Lordship may consider expedient, in order that this advance, made by the express sanction and authority of His Majesty's Government, under a peculiar and most pressing emergency, and to provide against any interruption of the public service by the non-payment of salaries then two years in arrear, may be repaid.

His Lordship is well aware that this advance was exclusively made from British funds, for the purpose of avoiding the course which on former occasions had been so strongly objected to, and with the intention of scrupulously abstaining from any act which could prejudice the question at issue between the House of Assembly in Lower Canada and the government, or which could throw difficulties in the way of the final and satisfactory adjustment of these unhappy differences.

My Lords trust that Lord Glenelg will impress upon the minds of the Canadian authorities their Lordships' hope that a confidence thus marked in the just and liberal feelings of the House of Assembly, will not have been misplaced, but that an advance thus made with a view to prevent any interruption of the civil business of the colony, and any unjust pressure on public servants, and made in a manner not to compromise any of the questions at issue, will be cheerfully repaid; the legislature of the province doing justice to the principles by which the conduct of His Majesty's advisers has been governed.

I am, &c.

R. W. Hay, Esq.

(signed) *F. Baring.*

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COPY of a DESPATCH from Lord *Glenelg* to Sir *F. B. Head*, K. C. H.

Sir,

Downing Street, 5 December 1835.

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Despatch from
Lord Glenelg to
Sir F. B. Head,
5 December 1835.

I HAVE the honour herewith to transmit to you, a commission under His Majesty's sign-manual, appointing you lieutenant-governor of the province of Upper Canada.

You have been selected for this office at an era of more difficulty and importance than any which has hitherto occurred in the history of that part of His Majesty's dominions. The expression of confidence in your discretion and ability which the choice itself implies, would only be weakened by any more formal assurance which I could convey to you.

In the following instructions, I shall presuppose your knowledge of many occurrences, the correct understanding of which is essential to the discharge of the duties to which you are called, but which it is unnecessary for me to recapitulate. As, however, a more exact acquaintance with Canadian affairs is indispensable for
you

your guidance in the administration of the government of Upper Canada, I think it right to refer you to those sources of information on which you will be able most safely to rely. Amongst these, the first place is due to the journals of the Legislative Council, and of the House of General Assembly. The appendices subjoined to the annual summary of the proceedings of the two Houses, contain a fund of information on almost every topic connected with the statistics and political interests of the province; and to those reports you will be able to resort with far greater confidence than to any other source of similar intelligence. The Report of the Committee of the House of Commons of the year 1828, with the evidence, oral and documentary, to which it refers, will also throw much light on the progress and the actual state of the questions agitated in the upper province. The correspondence of my predecessors and myself, with the officers who have successively administered the provincial government, will of course engage your careful attention.

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In Upper Canada, as in all countries which enjoy the blessing of a free constitution, and of a legislature composed in part of the representatives of the people, the discussion of public grievances, whether real or supposed, has always been conducted with an earnestness and freedom of inquiry of which, even when occasionally carried to exaggeration, no reasonable complaint can be made. The representatives of the Canadian people, if departing at times from the measured style and exact terms in which the investigation of truth may perhaps be most successfully conducted, have yet, even in the agitation of questions the most deeply affecting the interests of their constituents, exhibited a studious respect for the person and authority of their Sovereign, and a zealous attachment to the principles of their balanced constitution. Until the last session of the provincial parliament, the remonstrances of the House were chiefly confined to insulated topics of complaint: discussions, indeed, occasionally arose, and discontent was occasionally manifested; but it may be affirmed, that generally there subsisted a spirit of amicable co-operation between the executive government and the legislature.

The cession by His Majesty of the revenues raised under the statute 14 Geo. 3, c. 88, to the appropriation of the House of Assembly, was a gratuitous and unsolicited act, and was accepted by that body in a spirit of grateful cordiality.

I will not pause to recapitulate the events which immediately preceded, if they did not produce the interruption of this mutual good understanding. It is sufficient for my present object to observe, that the relations which had formerly subsisted between the executive government and the representatives of the people underwent an entire change immediately after the elections which took place in the autumn of 1834. The supporters of the local government now for the first time found themselves in a constant minority on every question controverted between them and their political antagonists. A committee of grievances was appointed, by which a report was made impugning the administration of affairs in every department of the public service, and calling for remedial measures of such magnitude and variety as apparently to embrace every conceivable topic of complaint. Having adopted this report, and having directed its publication in an unusual form, the House transmitted through the lieutenant-governor, to the King, an address, in which some of the more considerable of the claims of the committee were urged in terms of no common emphasis. It will be your first duty on the assumption of the government to convey to the House the answer which His Majesty has been advised to return to these representations.

I cannot proceed to explain the terms of that answer without the preliminary remark with a view to which the preceding statement has been chiefly made. Whatever may be the justice of the complaints now preferred respecting the general principles on which the public affairs of the province have been conducted, the representatives of the people of Upper Canada are at least not entitled to impute to the confidential advisers of the King any disregard of their remonstrances. The greater part of the grievances detailed by the committee and the House are now for the first time brought by them under His Majesty's notice. My predecessor, the Earl of Ripon, in his despatch of the 8th of November 1832, to Sir John Colborne, was commanded by the King to state, that "there was no class of the Canadian people, nor any individual amongst them, to whose petitions His Majesty did not require that the most exact and respectful attention should be given." His Majesty has never ceased to be actuated by the spirit which dictated those instructions, and of course will not deny to the House of General Assembly

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that careful investigation of the grounds of their complaints, which He graciously pledged himself to bestow on the representation of any individual petitioner. I feel myself therefore entitled, on behalf of His Majesty's Government, to object to any resort on the part of the House to that ulterior measure to which they allude, but which they will feel with me is to be justified only by an extreme emergency.

I now proceed to the consideration of the various topics embraced in the seventh report of the committee of grievances, and in the addresses of the two Houses to His Majesty: and I shall advert to them in the order in which they are pursued in the report itself.

In the following pages, if any subject should appear to be passed over without due regard, you will understand that I have at least been guilty of no intentional omission, but have, in obedience to His Majesty's commands, made it my endeavour to meet every question which the committee and the House have thought it necessary or proper to raise.

1. It is stated that "the almost unlimited extent of the patronage of the Crown, or rather of the Colonial Minister for the time being, and his advisers here, together with the abuse of that patronage, are the chief sources of colonial discontent. Such (it is added) is the patronage of the Colonial Office, that the granting or withholding of supplies is of no political importance, unless as an indication of the opinion of the country concerning the character of the Government, which is conducted on a system that admits its officers to take and apply the funds of the colonists without any legislative vote whatever." The committee then proceed to an enumeration of the various public offices, and the different departments and branches of the public service, over which this patronage is said to extend; and by bringing the whole into one view, they suggest what must be the amount of the authority and influence accruing to the executive government from these sources.

The statement is substantially this: that the number of public offices in the colony is too great; and that the patronage, instead of being vested, as at present, in the Crown, and the local representative of the Crown, should be transferred to other hands.

In the long enumeration of places at the disposal of the executive government in Upper Canada, the committee have not adverted to one consideration to which I think that great prominence might justly be assigned. It is perfectly true, as it is quite inevitable, that in Upper Canada, as in other new countries, the number of public employments is and will be far larger in proportion than in older and more densely-peopled states. The general machinery of government must be the same in a scanty as in a large and redundant population; corresponding departments of the public service, whether legislative, judicial or administrative, must exist in both. And in a new country, besides, there will be some establishments for which in the settled states of Europe no counterpart can be found; such, for example, are all which relate to the allocation, surveying and granting of wild lands. Nor is it to be forgotten, that in the early stages of such a society many duties devolve upon the government, which at a more advanced period are undertaken by the better educated and wealthier classes, as an honourable occupation of their leisure time. Thus in the Canadas, although the mere text of the law would there, as in England, authorize any man to prefer and prosecute an indictment in His Majesty's name, yet virtually and in substance the prosecution of all offences is confided to the government or its officers. These causes have inevitably tended to swell the amount of the patronage of the provincial government, without supposing any peculiar avidity on their part for the exercise of such power.

With respect to the patronage of the requisite offices, His Majesty's Government are not solicitous to retain more in their own hands, or in those of the governor, than is necessary for the general welfare of the people and the right conduct of public affairs. I confess myself, however, unable to perceive to whom the choice amongst candidates for public employment could with equal safety be confided. It requires but little foresight or experience to discover that such patronage, if exercised in any form of popular election, or if committed to any popular body, would be liable to be employed for purposes far less defensible, and in a manner less conducive to the general good: chosen by irresponsible patrons, the public officers would themselves be virtually exempt from responsibility; and all the discipline and subordination which should connect together in one unbroken chain the King and his representative in the province, down to the lowest functionary to whom

whom any portion of the powers of the state may be confided, would be immediately broken.

I conclude, therefore, that as in such a country as Canada there must exist a number of public officers, large in proportion to the present number and wealth of the inhabitants, so the selection of them must for the most part be entrusted to the head of the local government.

I disclaim, however, on the part of the Ministers of the Crown, every wish to urge these general principles beyond their just and necessary limits. There are cases in which I think, according to the analogy of similar cases in this country, the patronage now said to be exercised by the lieutenant-governor might with perfect safety and propriety be transferred to others. On this subject, however, it will be more convenient to state the general principle, than to attempt the specific and detailed application of it at this distance from the scene of action.

That principle is to maintain entire, by the nomination and removal of public officers, that system of subordination which should connect the head of the Government with every person through whose instrumentality he is to exercise the various delegated prerogatives of the Crown. What is necessary for this end must be retained; whatever patronage is unnecessary for the maintenance of this principle should be frankly and at once abandoned.

It is noticed in the report, as an aggravation of the evils of the government patronage, that almost every public officer holds his place at the pleasure of the Crown. I cannot disguise my opinion, that the public good would be little advanced if the subordinate functionaries held their places upon a more certain tenure. In practice, indeed, though subject to certain exceptions to be hereafter noticed, no public officer is in danger of losing his employment, except for misconduct or incompetency: but there are many kinds of misconduct and incompetency which could never be made the subject of judicial investigation, but which yet would be destructive of the usefulness of a public officer, and ought therefore to be followed by a dismissal from the public service. Nor is it necessary to insist at any length on the evils which would arise in the transaction of business, if the subordinate officers were aware that they were entirely independent of the good opinion of their superiors for continuance in their employments.

It is not difficult to show, in reference to any conceivable arrangement on the subject of patronage, that there will be dangers against which it is impossible to take an absolute and perfect security. I know not, however, that any less exceptionable scheme could be devised than that which at present prevails, of giving to the head of the local government the choice of the subordinate officers, and of making their places dependent on His Majesty's pleasure. To prevent, however, as far as may be possible, the continuance of any well-founded ground of complaint on this head, His Majesty, disclaiming for himself and for his representative in the province all desire to exercise, with the view merely to patronage, the power of appointing public officers, is pleased to prescribe for your guidance the following rules:

First: You will, at the earliest opportunity, enter into a diligent review of the offices in the appointment of the Crown and of the local government, as detailed in the report of the committee, and the appendix, with a view to ascertain to what extent they may, without impairing the efficiency of the public service, be reduced immediately and prospectively. You will report to me the result of your investigation, with such particular information as will enable His Majesty's Government to decide in each case on the expediency of adopting your recommendation.

Secondly: If, during the reference of that report to me, any occasion occur for the reduction of offices, either by abolition or by consolidation, you will exercise your own discretion as to waiting for fresh instructions, or proceeding at once to the reduction. Any appointment, however, made under such circumstances, will be merely provisional. In case of the immediate abolition of any office not required for the efficient discharge of the public service, you will stipulate for such a compensation to the present holders, as the disappointment of their reasonable expectations may entitle them to receive.

Thirdly: In the prescribed revision of these offices you will make it one of your objects to form a judgment what share of the patronage of the Crown or the local government may safely and wisely be transferred to other hands. You will report to me on this subject, but will refrain from taking any steps regarding it without further instructions from me.

Fourthly: In the selection of persons to execute public trusts, you will be guided exclusively

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exclusively by the comparison of the claims which the different candidates may derive from past services, or from personal qualifications.

Fifthly: In general, you will not select for any public employment in Upper Canada any person who is not either a native or a settled inhabitant of the province. To this general rule occasional exceptions may be admitted; as in cases where some peculiar art or science is demanded, which no provincial candidate may be found to possess in the requisite degree. An exception must also be made in reference to those officers who are immediately attached to your own person, in the choice of whom His Majesty does not think it right to subject you to any such restriction.

Sixthly: As often as any office shall be vacant, which is not to be suppressed, and of which the annual emolument shall exceed 200*l.*, you will make the appointment provisional only, and with the distinct intimation to the party elected that his confirmation will depend entirely on the estimate which His Majesty may form of his pretensions; and you will on every such occasion signify to me, for His Majesty's information, the grounds on which you have proceeded, and the motives which have directed your choice. If His Majesty should be pleased to issue, under his sign-manual, a warrant authorizing you to make a grant of the office under the public seal of the province, then, and not till then, the appointment must be considered as finally ratified. I trust that in these regulations the House of Assembly will perceive a sufficient proof of His Majesty's settled purpose to exercise this branch of His prerogative for no other end than the general good of His Canadian subjects, and to prevent its being converted into an instrument of promoting any narrow, exclusive or party designs.

2. Pursuing the order observed by the committee, I pass on to the subject of the provincial post-office. Adverting to the measures which have already been taken for the redress of the grievances which have been alleged to exist in the conduct of this department, the committee observe, that "the form of a law, such as the government would approve, is before the House; but its provisions (they add) are so inapplicable and absurd, that no benefit could be derived from their enactment."

On the measure thus characterised I am not called to give an opinion. It is, however, but fair to those by whom it was recommended to the adoption of the local legislature, to observe, that it had previously undergone a most careful investigation by the Postmaster-general. His Majesty's Government cannot have the slightest wish to urge the adoption of any measure to which well-founded and sufficient objections may exist; they are content that the Bill in question should be withdrawn, to make way for any other which the Assembly may be disposed to substitute for it. Perhaps, however, on approaching the question more closely, the Assembly may find it encumbered with unexpected difficulties. I fear that this will be the case, especially in reference to the intercourse by post with all places beyond the limits of the province itself. You will, however, assent to any judicious and practicable scheme which the House may incorporate in any Bill tendered for your acceptance; regarding as of no weight whatever, when opposed to the general convenience of the public, any considerations of patronage or of revenue derivable from this source.

3. Under the head of salaries and fees, the committee have entered into very copious statements, to show that the emoluments of the public officers in Upper Canada are excessive, and out of all just proportion to the value of the services rendered. It is unnecessary for me to enter into these details, because, as to the general principles on which it will be your duty to act on questions of this nature, there can be no room for controversy. Indeed, those principles will, I think, be most conveniently considered when divested of topics connected with the interests and the services of particular persons.

There is no measure of retrenchment, compatible with the just claims of His Majesty's various officers, and with the efficient discharge of the public service and duty, to which the King is not disposed to give a prompt and cheerful assent. To determine what ought to be the scale of remuneration to public functionaries of different classes, would require information too minute and exact to be obtained beyond the limits of the province itself. This would appear a very fit subject for a special inquiry, in which it might be proper to employ commissioners, to be appointed under the authority of an act of the Assembly. I have reason to suppose that the subject has never yet undergone a full and fair investigation; and therefore I do not feel myself entitled to assume the non-existence of those abuses which so readily
grow

grow up under a system which is not subjected to a careful scrutiny, conducted upon permanent and enlightened views of public economy. Even if the result of the examination should be only to show that there is no evil of this nature to be remedied, the labour would be amply repaid, by placing so important a fact beyond the reach of all reasonable suspicion.

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In dealing with existing interests, the local legislature will, I doubt not, be well disposed to adopt the rules which have been uniformly taken by Parliament for the guidance of their discretion in similar cases. The saving of public money which could arise from the unexpected reduction of official incomes, would not only subject numerous families to extreme distress, but by impairing general confidence in the public credit, would weaken the foundations on which all proprietary rights must ultimately repose.

The King confidently relies on his faithful subjects of Upper Canada, that they will not reduce His Majesty to the distressing alternative of either abandoning the just interests of any of his servants, or opposing himself to measures having for their object the reduction of public expenditure.

4. Next in the order of complaints, is that which relates to the amount of the pension list. On this, as on the subject which I have last noticed, I conceive that I shall better discharge my duty by attempting to provide against any future abuse, than by engaging in a minute retrospect of any which may have already occurred. I will not even pause on the comparison, not perhaps very accurately or necessarily instituted, between the conduct of the central government of the United States of America, and that which has been pursued in one of the provinces of the British empire, respecting the remuneration of officers for past services. Such pensions as have already been charged upon the revenues which were at the disposal of the Crown, constitute a debt to the payment of which His Majesty's honour is pledged, nor need I state that there is no consideration so powerful as to induce the King to assent to the violation of any engagement lawfully and advisedly entered into by Himself, or by any of His royal predecessors.

On the other hand, His Majesty is content that the most effectual security should be taken against any improvident increase of the pension list by any future grants, and is willing that a limit should be fixed by law to any charge which may hereafter be imposed upon the provincial revenues on this account.

I do not anticipate that the Assembly of Upper Canada would wish to withhold from the King the means of rewarding faithful and zealous public services, or would think it desirable that no provision should ever be made by His Majesty to solace the declining years of those who have consumed in laborious public duties in the colony the larger portion of their lives.

You will therefore assent to any law which may be tendered for your acceptance, of which the object shall be to regulate, on a just and reasonable scale, the amount of the future pension list of Upper Canada, and to prescribe the principles upon which any pensions shall be granted.

5. I proceed to the subject of the provision made for ecclesiastical establishments, and for the maintenance of the teachers of religion of various denominations.

On this head the House of Assembly maintain opinions from which, in their address to His Majesty of the 13th April, the Legislative Council have recorded their most entire and earnest dissent. The report states, that "the House of Assembly in several successive parliaments has expressed its entire disapprobation of the conduct of the Government in attempting to uphold particular religious sects by money grants. And in the 10th and 11th parliaments has declared, that it recognises no particular denomination as established in Upper Canada, with exclusive claims, powers or privileges."

It appears that the four religious communities, whose funds are aided by grants from the hereditary and territorial revenue, are, those of the churches of England, and Scotland, and Rome, and of the Wesleyan Methodist Society; the last being in two divisions, which respectively take the distinct appellation of the "Canadian" and the "British."

In the last session of the provincial parliament a Bill was passed by the Assembly, the object of which was to enable certain commissioners to sell the lands which, under the Constitutional Act of 1791, had been appropriated in Upper Canada to the maintenance of a Protestant clergy, and to pay over the proceeds to the receiver-general, to be disposed of under the future direction of the legislature, for the promotion of education, and for no other purpose whatever.

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This Bill was rejected by the Legislative Council, on the grounds noticed in the address from that body to His Majesty, and in a report from a select committee appointed by them to take the Bill into consideration, which report is enclosed in Sir John Colborne's despatch of the 20th May, No. 20.

Your predecessor and the Council agree in the opinion, that it is vain to expect the concurrence of the two branches of the local legislature in any adjustment of this question, and they therefore invoke the interposition of Parliament; which interposition the Assembly, on the other hand, deprecate with equal earnestness.

The chief practical question, then, which at present demands consideration, is whether His Majesty should be advised to recommend to Parliament the assumption to itself of the office of deciding on the future appropriation of these lands. There are two distinct reasons, both of which appear to me conclusively to forbid that course of proceeding.

First: Parliamentary legislation on any subject of exclusively internal concern, in any British colony possessing a representative assembly, is as a general rule, unconstitutional. It is a right of which the exercise is reserved for extreme cases, in which necessity at once creates and justifies the exception.

But important as is the question of the clergy reserves in Upper Canada, yet I cannot find in the actual state of the question any such exigency as would vindicate the Imperial Legislature in transferring to themselves the settlement of this controversy. The conflict of opinion between the two Houses upon this subject, much as it is to be lamented, yet involves no urgent danger to the peace of society, and presents no insuperable impediment to the ordinary administration of public affairs. Although a great evil, it is not such as to exclude every hope of mitigation by the natural progress of discussion, and by the influence of that spirit which, in public affairs, not seldom suggests to parties alike solicitous for the general good, some mutual surrender of extreme views, and some compromise on either side of differences which at first sight might have appeared irreconcilable. Until every prospect of adjusting this dispute within the province itself shall have been distinctly exhausted, the time for the interposition of Parliament will not have arrived, unless indeed both Houses shall concur in soliciting that interposition; in which event there would of course be an end to the constitutional objections already noticed.

The second ground on which I think myself bound to abstain from advising His Majesty from referring this question immediately to Parliament, is, that the authors of the Constitutional Act have declared this to be one of those subjects, in regard to which the initiative is expressly reserved and recognized as falling within the peculiar province and the special cognizance of the local legislature, although its ultimate completion is no less distinctly made to depend, in addition to the ordinary submission to His Majesty, on the acquiescence of the Imperial Parliament.

It is not difficult to perceive the reasons which induced Parliament in 1791, to connect with a reservation of land for ecclesiastical purposes, the special delegation to the Council and Assembly of the right to vary that provision by any Bill, which being reserved for the signification of His Majesty's pleasure, should be communicated to both Houses of Parliament for six weeks before that decision was pronounced. Remembering, it should seem, how fertile a source of controversy ecclesiastical endowments had supplied throughout a large part of the Christian world, and how impossible it was to foretell with precision what might be the prevailing opinions and feelings of the Canadians on this subject at a future period, Parliament at once secured the means of making a systematic provision for a Protestant clergy, and took full precaution against the eventual inaptitude of that system to the more advanced stages of a society then in its infant state, and of which no human foresight could divine the more mature and settled judgment.

In the controversy, therefore, respecting ecclesiastical endowments, which at present divides the Canadian legislature, I find no unexpected element of agitation, the discovery of which demands a departure from the fixed principles of the constitution, but merely the fulfilment of the anticipations of Parliament in 1791, in the exhibition of that conflict of opinion for which the statute of that year may be said to have made a deliberate preparation. In referring the subject to the future Canadian legislature, the authors of the Constitutional Act must be supposed to have contemplated the crisis at which we have now arrived,—the era of warm and protracted debate, which in a free government may be said to be a necessary precursor to the settlement of any great principle of national policy. We must not

not have recourse to an extreme remedy, merely to avoid the embarrassment which is the present though temporary result of our own deliberate legislation.

I think, therefore, that to withdraw from the Canadian to the Imperial Legislature the question respecting the clergy reserves, would be an infringement of that cardinal principle of colonial government which forbids parliamentary interference, except in submission to an evident and well-established necessity.

Without expressing any further opinion at present on the general objects of the Bill of last session, I think the effect of that Bill would, as it appears, have been to constitute the Assembly not merely the arbiters respecting the disposal of the funds to be raised by the sale of these lands, but the active and independent agents in effecting those sales, and thus to invest them with the appropriate functions of the executive government.

6. The report of the committee next passes to the subject of the land-granting department.

Admitting that Lord Ripon's despatch shows that the grievances under this head have been in part removed, it is observed that the extent of that relief is not very clearly shown by the documents before the committee.

It is difficult, or rather impossible, for me to advance further in meeting the views of the Assembly thus briefly expressed, than by stating, that if any ambiguity can be pointed out in Lord Ripon's instructions respecting the grant of lands, it shall be immediately removed; and that if His Majesty's officers in the province can be shown to have disregarded those instructions, it will be your duty to enforce the most prompt and exact obedience to them to the full extent of their spirit and intention, insomuch that there shall in future be no doubt whether the grievances at which they aimed have or have not been completely removed.

7. Respecting the collegiate institutions of the province, the Assembly express their opinion that the Upper Canada College "is upheld at great public expense, with high salaries to its principal masters; but that the province in general derives very little advantage from it, and that it might be dispensed with."

His Majesty's Government can have no wish to retain any charge for this establishment, which may be more than adequate to provide for the effective performance of the duties of the teachers. Any wise retrenchment of that nature may, subject to the principles already mentioned, be immediately introduced. That the province derives little benefit from this college is a fact of which the explanation is to be found, not in the principle of the institution itself, but in some error of management, susceptible as it should seem of an easy remedy. It is impossible to believe that in Upper Canada, as in other countries, advantages the most important would not result from a well-ordered school, for the education in the elementary branches of philosophy, science and literature, of young men who aspire to fill the highest offices in society. Nor can I suppose it a light benefit thus to connect together the preparatory and the final studies of youth in one systematic plan, which, by rendering the initiatory school a careful preparation for the university, may give to their entire education a character of solidity and consistency scarcely attainable by any other method.

I shall therefore deeply lament the abolition of a college of which the defects would appear so remediable, and of which it does not seem easy to exaggerate the benefits.

On the subject of King's College an unfortunate difference of opinion exists between the Council and the Assembly, which each of those bodies concurs in pronouncing incurable.

His Majesty commands me to tender, through you, his mediation on this subject. With the previous assent of both Houses, the King will cheerfully resume the consideration of the question, in what manner a charter could be most conveniently prepared, so as to promote the interests of science and literature, and the study of theology and moral philosophy, with a due regard to the opinions which seem to prevail in the province respecting the proper constitution and objects of an university. But after having distinctly referred to the local legislature the duty of giving effect to their own wishes on the subject, in the form of an Act of General Assembly, His Majesty cannot, at the instance of one only of the two Houses, withdraw it from their cognizance.

8. The committee complain that a very considerable proportion of the sum, amounting to 31,728 *l.* 18 *s.* 11 *d.*, expended in aid of emigration from Europe, was for "articles or services not specified, and concerning which a committee of the

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House of Assembly could know nothing, unless they were to send for the detailed accounts and vouchers, which, if they had, it would be impossible to examine at the late period of the session at which the government sent down those statements." In the appendices to the reports, numbered 56 and 57, various items of this expenditure are noticed with apparent dissatisfaction. You will direct the public officers who have had the management of this fund to communicate to the House of Assembly, with the utmost possible promptitude, the most minute and circumstantial details and explanations connected with it, for which the House may be pleased to call.

9. Next in order occurs the statement, that "the present system of auditing the public accounts is altogether insufficient for ensuring the application of the revenue to the purposes for which it is intended to be applied."

The remedy suggested is that of establishing a board of audit, of which the proceedings should be regulated by a well-considered statute under a responsible government.

Deferring at present any remark on the expression "responsible government," to which I shall more conveniently advert hereafter, I must express my agreement in the position that the establishment of a board of audit by law is the best remedy in this case. His Majesty will gladly concur in the enactment of any law which shall be properly framed for constituting such a board. With a view to aid the deliberations of the legislature, I transmit to you various documents explanatory of the constitution and proceedings of the Commission for auditing the Public Accounts of this kingdom.

The Assembly express their disbelief that any efficient measure of this kind will obtain the consent of the Legislative Council. I trust that this apprehension will be dispelled by the event. If unfortunately it should be confirmed, you will, in the exercise of His Majesty's delegated authority, proceed at once to constitute a board of audit, upon the principles of that which at present exists in this kingdom, so far as the two cases may be analogous; and although I am aware that, unaided by positive legislation, such a board would be comparatively inefficient, yet no inconsiderable advance would be thus made towards the introduction of an effective system of audit.

If you should find it necessary to act on this instruction, great care must be used to prevent the new establishment from being converted into the means of any real or seeming abuse, in the way of an improvident increase of the patronage of the Crown. Of a board consisting of five or three auditors, one alone should at first receive a salary; because the institution itself would be provisional only, and liable to revision so soon as a proper Act could be passed for the purpose. I think it highly probable, that amongst the gentlemen of the province most conversant with its financial interests, a sufficient number would be found who, as honorary and unpaid commissioners, would complete the board, and who, though not engaging in the mere ordinary routine of business, would exercise a general superintendence over the more important proceedings of the commission. Especially it would be requisite to obtain such aid in determining the number and remuneration of the clerks and other subordinate officers. But it must not be forgotten that the effective remedy, as the report observes, is to be found in a board established by law; and I earnestly hope that a law to that effect may pass both Houses of the legislature.

10. The withholding of public accounts from the House of Assembly is the next head of complaint.

It is proposed, that to remedy this evil a statute should be passed providing the time and manner of making such returns, and naming the officers who should render them to the legislature; "but," add the committee, "it is well known that such an enactment would fail in the Council, which has an interest in preventing the enforcement of practical accountability to the people."

Although I cannot permit myself to believe that the Council would really oppose themselves to any judicious measure of this kind, I fear that such legislation would be found to involve many serious, if not insuperable difficulties. I must object to the appointment of individuals for any purpose of this kind by name in a statute, or by any authority other than that of the King. Persons so appointed would exercise a control over all the functions of the executive government, and would have a right of inspecting the records of all public offices to such an extent as would leave His Majesty's representative, and all other public functionaries, little more than

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than a dependent and subordinate authority. Further, such officers would be virtually irresponsible and independent.

On this subject, however, His Majesty commands me to state, that there is no information connected with the receipt and expenditure of any part of the revenue of Upper Canada, which He wishes to withhold from the representatives of the Canadian people. You will, immediately on your arrival in the province, apprise the heads of every public department by which any such funds are received or administered, that they must constantly keep in preparation, to be produced to the Assembly, in compliance with any addresses which may be presented to you by that House, copies and abstracts of all public accounts; and you will consider in what form these can be drawn up, so as to exhibit all material information in the most complete and luminous manner. It will, perhaps, be possible to concert with the House beforehand some system for preparing such returns; and as often as they may present to you addresses for such information, you will promptly accede to their wishes, except in the extreme case, which it is difficult to suppose, of any demand of that nature being made in such a form that the compliance with it would endanger some great public interest.

11. The report then passes to the consideration of cases in which your predecessor is charged with having failed to show respect, even in subordinate matters, to the wishes of the House of Assembly.

I will not encumber this communication by entering into a review of the particular transactions noticed by the committee in illustration of this complaint; I am not, indeed, sufficiently in possession of the facts to enable me to do so; nor do I think it convenient to combine a personal discussion with a general statement of the principles by which your conduct is to be governed.

The only general direction that I have to give you on this subject is, that you will always receive the addresses of the Assembly with the most studious attention and courtesy: as far as may be consistent with your duty to the King, you will accede to their wishes cheerfully and frankly. Should that duty ever compel you to differ from their opinion, or to decline compliance with their desires, you will explain in the most direct, and of course in the most conciliatory terms, the grounds of your conduct.

12. The next topic of complaint is, that many of the recommendations contained in Lord Ripon's despatch of the 8th November 1832, have not been carried into effect. Amongst these are especially mentioned such as relate to the amendment of the election laws, the non-interference of His Majesty's officers at elections, the disclosure to the House of the receipt and expenditure of the Crown revenue, the exclusion of ministers of religion from the Legislative and Executive Councils, the reducing the costs of elections, the judicial independence, and the limitation of the number of public officers who may sit in the Assembly.

Adhering, without reserve or qualification, to all the instructions issued under His Majesty's commands by Lord Ripon, the King is pleased to direct that you do adopt that despatch as a rule for the guidance of your own conduct; and that you exert your legitimate authority and influence to the utmost possible extent, to carry into effect all such of his Lordship's suggestions as may still continue unfulfilled.

13. The selection of justices of the peace is said to "have been made chiefly from persons of a peculiar bias in politics, and to be the means of extending the power and influence of the colonial system." It is not in my power to verify the accuracy of this opinion; and I am happy to feel myself relieved from the necessity of such an investigation. If any such abuse exists, it cannot be too promptly or decisively remedied. Whenever any increase of the number may appear to you desirable, you will propose to any gentleman in Upper Canada, possessing the necessary qualifications of knowledge, property and character, and unquestionable fidelity to the Sovereign, the assumption of the office of a justice of the peace, without reference to any political considerations.

14. A very considerable part of the report is devoted to the statement and illustration of the fact that the executive government of Upper Canada is virtually irresponsible; and the conclusion drawn from this statement is, that under the present system there can be no prospect of a good and faithful administration of public affairs.

Without entering on the one hand unnecessarily into a discussion of those general principles to which my attention is thus invited, or digressing, on the other hand, into personal topics, it is enough for me to observe on the present

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occasion, that experience would seem to prove that the administration of public affairs in Canada is by no means exempt from the control of a practical responsibility. To His Majesty and to Parliament the governor of Upper Canada is at all times most fully responsible for his official acts. That this responsibility is not merely nominal, but that His Majesty feels the most lively interest in the welfare of His Canadian subjects, and is ever anxious to devote a patient and laborious attention to any representations which they may address to Him, either through their representatives or as individuals, is proved not only by the whole tenor of the correspondence of my predecessors in this office, but by the despatch which I am now addressing to you. That the Imperial Parliament is not disposed to receive with inattention the representations of their Canadian fellow-subjects, is attested by the labours of the Committees which have been appointed by the House of Commons during the last few years to inquire into matters relating to those provinces.

It is the duty of the lieutenant-governor of Upper Canada to vindicate to the King and to Parliament every act of his administration. In the event of any representations being addressed to His Majesty upon the subject of your official conduct, you will have the highest possible claim to a favourable construction; but the presumptions which may reasonably be formed in your behalf will never supersede a close examination how far they coincide with the real facts of each particular case which may be brought under discussion.

This responsibility to His Majesty and to Parliament is second to none which can be imposed on a public man, and it is one which it is in the power of the House of Assembly at any time, by address or petition, to bring into active operation.

I further unreservedly acknowledge that the principle of effective responsibility should pervade every department of your government; and for this reason, if for no other, I should hold that every public officer should depend on His Majesty's pleasure for the tenure of his office. If the head of any department should place himself in decided opposition to your policy, whether that opposition be avowed or latent, it will be his duty to resign his office into your hands, because the system of government cannot proceed with safety on any other principle than that of the cordial co-operation of its various members in the same general plans of promoting the public good. The inferior members of the different offices should consider neutrality on this great litigated question of provincial policy as at once their duty and their privilege. Diligently obeying all the lawful commands of their superiors, they will be exempted from censure if the course which they have been directed to pursue should issue in any unfortunate results.

Some of the members of the local government will also occasionally be representatives of the people in the Assembly, or will hold seats in the Legislative Council. As members of the local legislature they will of course act with fidelity to the public, advocating and supporting no measures which, upon a large view of the general interest, they shall not think it incumbent on them to advance. But if any such person shall find himself compelled by his sense of duty to counteract the policy pursued by you as head of the government, it must be distinctly understood that the immediate resignation of his office is expected of him; and that, failing such a resignation, he must, as a general rule, be suspended from it. Unless this course be pursued, it would be impossible to rescue the head of the government from the imputation of insincerity, or to conduct the administration of public affairs with the necessary firmness and decision.

I need hardly say, that in the event of any public officer being urged into a resignation of his place by his inability to give a conscientious support to his official superior, the merits of the question would undergo an investigation of more than common exactness by His Majesty's Ministers, and that His Majesty's decision would be pronounced with a perfect impartiality towards those who had the honour to serve him in the province, however high or however subordinate might be their respective stations.

By a stedfast adherence to these rules, I trust that an effective system of responsibility would be established throughout the whole body of public officers in Upper Canada, from the highest to the lowest, without the introduction of any new and hazardous schemes; and without recourse to any system, of which the prudence and safety have not been sufficiently ascertained by a long course of practical experience.

15. I next advert to two subjects of far more importance than any of those to which

which I have hitherto adverted : I refer to the demand made partly in the report of the committee, and partly in the address from the Assembly to His Majesty, for changes in the mode of appointing legislative councillors, and for the control by the Assembly of the territorial and casual revenues of the Crown.

On these subjects I am, to a considerable extent, relieved from the necessity of any particular investigation ; because claims precisely identical have been preferred by the Assembly of Lower Canada, and because, in the instructions to the commissioners of inquiry who have visited that province, I have already had occasion to state the views which have received His Majesty's deliberate sanction. The principles of government in the two sister provinces must, I am well aware, be in every material respect the same ; I shall therefore annex for your information, as an appendix to this despatch, so much of the instructions to the Earl of Gosford and his colleagues as applies to these topics.

In the prosecution of the inquiries of the commissioners in Lower Canada, they will be instructed to enter into full and unreserved communication with you upon these questions, and to frame their report in such a manner as may enable His Majesty to adopt a just and final conclusion upon the course to be pursued respecting them in both the Canadas. For this purpose you will supply the commissioners with all the information which you may think necessary for them to receive, and with every suggestion which you may think it expedient to make for their assistance in comparing the state of these questions in the two provinces. If it should ultimately appear desirable, the commission may perhaps be directed to resort to Upper Canada, there to pursue, in concurrence with yourself, a more exact inquiry into these subjects than they could institute at Quebec, in reference to the affairs of the upper province.

In general, the Earl of Gosford and his colleagues will be directed to enter into unreserved communication with you, not only on the points just mentioned, but on every subject of common interest to the two provinces. You on your part will conduct yourself towards them in the most cordial spirit of frankness and co-operation.

I have thus, in order, adverted to every subject to which the Assembly of Upper Canada have called the attention of His Majesty's Government. You will communicate to the Legislative Council, and to that House, the substance of this despatch, as containing the answer which His Majesty is pleased to make to the addresses and representations which I have had the honour to lay before Him from the two Houses in their last session. I trust that in this answer they will find sufficient evidence of the earnest desire by which His Majesty's councils are animated to provide for the redress of every grievance, by which any class of His Majesty's Canadian subjects are affected.

I close this communication with the expression of my earnest hope, and I trust not too confident belief, that the representatives of the people of Upper Canada will receive with gratitude and cordiality this renewed proof of His Majesty's paternal solicitude for the welfare of His loyal subjects in that province ; and that, laying aside all groundless distrusts, they will cheerfully co-operate with the King, and with you as His Majesty's representative, in advancing the prosperity of that interesting and valuable portion of the British empire.

I have, &c.

(signed) *Glenelg.*

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Despatch from
Lord Glenelg to
Sir F. B. Head,
5 December 1835.

CANADAS.

INSTRUCTIONS to the Earl of Gosford, and the Commissioners appointed to inquire into the GRIEVANCES complained of in *Lower Canada*:—also, INSTRUCTIONS to Sir F. B. Heul, Lieutenant-Governor of *Upper Canada*.

(*Sir George Grey.*)

*Ordered, by The House of Commons, to be Printed,
22 March 1836.*

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[*Price 8 d.*]

UPPER CANADA.

RETURN to Two Addresses of the Honourable The House of Commons,
dated the 14th and 17th June 1836;—for,

— 1. —

EXTRACTS from a DESPATCH of the 21st April 1836 from Sir *F. B. Head*,
Lieutenant-Governor of *Upper Canada*, to Lord *Glenelg*, with the Enclosures
referred to in such Extracts.

— 2. —

COPY of an ADDRESS to The KING from the ASSEMBLY of *Upper Canada*,
with the APPENDIX of Documents transmitted therewith to the Secretary
of State.

Colonial Department, }
29 June 1836. }

G. GREY.

(*Sir George Grey and Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
30 June 1836.

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UPPER CANADA.

— 1. —

EXTRACTS from a DESPATCH of the 21st April 1836, from Sir *F. B. Head*, Lieutenant-Governor of UPPER CANADA, to Lord *Glenelg*, with the Enclosures referred to in such Extracts.

EXTRACTS of a DESPATCH from Lieutenant-Governor Sir *F. B. Head* to Lord *Glenelg*, dated Toronto, 21st April 1836.

I HAVE the honour to transmit to your Lordship an Address from the House of Assembly to His Majesty, as also a copy of one to The House of Commons, reprobating in unusual language my conduct as Lieutenant-Governor of this province. I have also to inform your Lordship, that the House of Assembly have deemed it their duty to stop the supplies; that in consequence of this proceeding, I have reserved all their money bills for the consideration of His Majesty, and that I have declined to grant their contingencies.

I also enclose to your Lordship a copy of my Speech on proroguing the Provincial Parliament.

The Speech I yesterday delivered on proroguing the Provincial Legislature, will sufficiently explain the attempts I have made to carry into effect the remedial measures with which I was entrusted.

If the sentiments contained in these petitions from the House of Assembly were really the sentiments of their constituents, this province might justly be said to be in a state of revolt; whereas the fact is, as I stated it to your Lordship in my last despatch, "that a burst of loyalty will very shortly resound from one end of the province to the other; as a more honest, well-meaning peasantry cannot exist than His Majesty's subjects in this noble province;" and as a proof of this assertion, I refer your Lordship to the enclosed addresses I have already received.

Your Lordship cannot but remark, that for the first time in the history of this province, the supplies have been stopped; that the whole country has been thus thrown into confusion, and that the period selected for this violence has been my arrival with your Lordship's instructions to correct all the grievances of the country.

The Assembly, in their Petition to the House of Commons, make their second complaint against me as follows:

Upon the formation of this Council, although R. B. Sullivan, Esq. was sworn in, and appeared to the public as Senior Councillor, upon whom, in the event of the absence of his Excellency, might devolve the administration of the government, yet a secret agreement was entered into, written in the Council Chamber by his Excellency himself, by which was to be defeated the apparent succession of the Senior Councillor to the administration of the government. This arrangement was denied by His Excellency to us, in his answer to our address on the subject; while, on the other hand, the facts so denied are proved by the testimony of R. B. Sullivan, Esq., and the Hon. Captain Baldwin, both of whom are still retained by his Excellency in the Council. For other instances of his deviation from candour and truth, as well as of his utter unacquaintance with the nature of our constitution, and the mode in which it should be administered, we refer to the appended documents.

If the above statement had been made to your Lordship, I should not feel it necessary to notice it; but as it is addressed to the House of Commons, and is intended to conceal the weakness of their own case by calumniating me, I will, as briefly as possible, show your Lordship the wilful misrepresentation it contains.

Enclosure 3.
14 Addresses.
No. 1. to 14.

Despatch from the
Lieut.-Governor to
Lord Glenelg.

The day after my late Executive Council resigned, I gazetted Messrs. Sullivan, Allan, Baldwin and Elmsley, in their stead, and appointed a day on which they were to be sworn in. On the morning of this day Mr. Sullivan called upon me, and said that he wished to retain the place in which his name had appeared in the Gazette; yet he wished it should be clearly understood, that in case of my death it was his intention to resign. My answer to him was, "When I am dead, you may all do what you like."

On assembling in the antechamber of the Council to be sworn in, Mr. Sullivan repeated his request, begged that his intention might be committed to writing before they were sworn in, and proposed that some person should be procured to write a memorandum of his wishes. I replied, "Surely any one can write that," and I accordingly took up a pen and wrote what he desired, which was signed in presence of the other Councillors, and delivered to Mr. Allan before any of them were sworn in. As soon as it was signed, I said, "This had better not be secret; it had better be made public;" and, accordingly, the following day Captain Baldwin stood up in the Legislative Council, and made public the whole arrangement.

About ten days afterwards the House of Assembly, at the request of the Committee to whom had been referred my correspondence with my late Executive Council, forwarded to me an Address, requesting that I would lay before their House "copies of any bond or agreement between your Excellency and any of your present Executive Council, or between any two or more of the said Council, by which it is stipulated in what manner the government shall be administered, or who shall administer the government of this province, in case of the above-named occurrence."

As I have stated to your Lordship, the paper which was signed in the antechamber of the council, and there delivered to Mr. Allan, without any minute in Council being made respecting it, did not stipulate in what manner the government should be administered "in case of my death;" nor did it stipulate who, in that event "should administer the government of this province." It merely stated Mr. Sullivan's whim or intention to resign, and as that had been made public in the way I have stated, I knew quite well that the Address of the House of Assembly, asking for my "bond," was merely intended to insult me.

I accordingly replied to the Address as follows:

Gentlemen,—I have entered into no bond or agreement of any sort with my present Executive Council; and I do not possess, nor does there exist in Council, any document of such a nature between two or more of the said Council.

This was strictly correct; for I myself had entered into no bond, nor did there exist in Council any document of the nature applied for.

It was by the advice of the Council, who read the Assembly's Address to me, as well as my reply, before it was sent, that the above answer was given; and after it was transmitted I gave Mr. Sullivan permission to go before the Committee (which he did), and explain to them exactly what had taken place; which he did in the following plain, honest evidence on the subject.

Question 1. Are you the Senior Member and Presiding Councillor of the Executive Council?—*Answer.* Yes.

Q. 2. Is there any written agreement existing between yourself and any of the other members of the Executive Council, by which it is stipulated on your part in what way the government of the province should be administered in the event of the death or removal from the province of the Lieutenant-Governor?—*A.* There is no agreement in existence by which it is stipulated how the government of the province shall be administered in the event mentioned in the question. At the time the Council were about to be sworn in I expressed a wish that it might be understood that, in either of the events mentioned, it was my intention to resign my place as Executive Councillor, as it was not my desire, in any event, to fill the situation of Administrator of the Government. At my request this intention was expressed in writing, and I signed it.

Q. 3. Is the instrument you mention under seal, or witnessed?—*A.* It is neither under seal nor witnessed.

Q. 4. Into whose hands did you deliver the document?—*A.* Into the hands of the Hon. William Allan.

Q. 5. Did any other person know of the existence of the document?—*A.* Yes; it was not intended that my intention should be secret. His Excellency the Lieutenant-Governor was present when it was read and delivered to Mr. Allan.

Q. 6. Did his Excellency the Lieutenant-Governor write the document, or was it written by

AFFAIRS OF UPPER CANADA.

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by his Excellency's order?—*A.* I proposed that my intention should be expressed in writing, and I wished that the writing should be drawn up by some person other than myself, upon which his Excellency, being present, was kind enough to draw it up.

Q. 7. Was the writing intended to be legally binding upon you?—*A.* Certainly not.

Q. 8. What was the object or intention of the paper in question, if it was not intended to be legally binding?—*A.* It was intended for my own satisfaction, that it might not be said that I had it in view to fill the situation of Administrator of the Government.

Q. 9. Do you think you could constitutionally resign in case of either of the above events, and give place to another who could administer the government?—*A.* I could transmit my resignation to His Majesty's Government, and decline taking upon myself the office of Administrator of the Government. I think it is the constitutional right of any individual to decline taking office upon himself; and as to giving place to another, that is not the act of the person declining office, but of the law.

Q. 10. Do you not think, that in either of the above events taking place, you would be the Administrator of the Government, without being appointed in any way?—*A.* The Senior Executive Councillor would, upon taking the oaths of office, be invested with the administration of the government, without any further appointment.

Q. 11. Do you think, upon your resignation as above stated, the administration of the government could be assumed by any other member of the Council?—*A.* I think it could, either upon my resignation or upon my refusal to take the oath of office.

With this explanation before your Lordship, I must beg you to refer to the artful and incorrect statements made by the Assembly in their petition to The House of Commons.

1st. They say, that a "secret arrangement was entered into," although it had been, as I have stated, publicly proclaimed to the whole country, by one of the members of the new Executive Council, in his place in the Legislative Council.

2d. They say that this arrangement was denied "by his Excellency to us in his answer to our address," Although I denied no such thing; but stated that I had entered into no bond or agreement, and that I did not possess nor did there exist in Council any document of such a nature. It could not matter to me one straw, whether, when I was dead, Mr. Sullivan resigned, or whether all the Councillors resigned. I could have no object that Mr. Sullivan's intention to resign should be secret. If I had I should not have recommended it to be made public, and should not have told Mr. Sullivan to go before the Committee and explain his own story.

Enclosure 1, in No. 1.

PETITION of the HOUSE OF ASSEMBLY of UPPER CANADA.

TO THE KING'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign,

WE, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, humbly approach Your Majesty with our renewed assurances of loyalty and attachment to Your Majesty's person and Government.

It is with pain we acknowledge how seldom it is we have to address Your Majesty in the unmingled language of gratitude and thankfulness, and we have noticed the difficulties, at this distance from Your Majesty's immediate care, which attend the fulfilment of the most benevolent intentions.

We have now to pray Your Majesty's patient and impartial attention to the history of our complaint, against a sudden, abrupt, and most ungracious denial by his Excellency, of those indispensable constitutional principles in our local government, the just preservation of which is, above all things, calculated to endear Your Majesty to Your Canadian people, and to strengthen the bond of union between this loyal and valuable portion of Your empire and the parent state.

The Report of a Select Committee of Your Majesty's faithful Canadian Commons which has, after mature consideration, been adopted by this House, (and accompanies this Address,) will amply inform Your Majesty upon all particulars; and we regret it should necessarily contain disclosures to Your Majesty equally injurious to the interests and confidence of the people, and to the character of the royal station in this province. Under feelings of solicitude lest Your Majesty's royal ear should be prepossessed against us by those who have easier and secret access to Your Majesty and Your Majesty's Ministers, we have prayed the aid of Your Majesty's Imperial House of Commons, as will appear from the accompanying copy of our Memorial, in the hope that they will aid Your Majesty in extending to us speedy and effectual measures for the redress of our wrongs, and for the maintenance of the honour and dignity of the Crown.

(signed) *Marshall S. Bidwell,*
Speaker.

Commons House of Assembly, }
18 April 1836.

Enclosure 1, in
No. 1,

Petition from
House of Assembly
to The King.

Enclosure 1, in
No. 1.

Petition from
House of Assembly
to The House of
Commons.

PETITION of the HOUSE of ASSEMBLY of UPPER CANADA.

To the Honourable the Knights, Citizens and Burgesses of the United Kingdom of *Great Britain and Ireland*, in Parliament assembled.

May it please Your Honourable House,

WE, His Majesty's dutiful and loyal subjects the Commons of Upper Canada in Provincial Parliament assembled, after unavailing struggles for a series of years, to obtain such an administration of our local affairs as would secure to the people of this province, possessing "the very image and transcript of the British Constitution," the blessings of good government, are at length driven to appeal to the wisdom, justice, and magnanimity of your Honourable House, in the hope that your powerful intercession with His Majesty may yet redeem us from a condition every day becoming more ruinous and alarming. We are not unacquainted with the overwhelming influence of station and weight of authority which will be brought to bear against our exertions to procure redress; and without the interposition of your Honourable House we entertain a fear, grounded on the experience of the past, that His Majesty's ear will be so abused by secret despatches and personal detractions as almost to set at defiance the best directed intentions of His Majesty to arrive at the truth. And we desire to add, as a further difficulty, an inveterate disposition to adhere to what is called the Colonial System, under which our present condition has been produced, instead of accommodating it as both wisdom and justice require, to the changing state and increasing wealth and population of the country.

In answer to the Address of this House to His most gracious Majesty, in the late Session, upon the subject of our grievances, we received as our new Lieutenant-Governor, his present Excellency, Sir Francis Bond Head, who by message communicated to this House the instructions he had received from His Majesty's Government for his guidance. But these instructions leave us under the same unsatisfactory and injurious system that has heretofore prevailed; and we practically feel that the institutions of the country are so directed, their operations so abridged, and public functionaries so protected in misgovernment by their distance from their superiors, as to render illusive and abortive the most promising schemes framed in England for our amelioration. Upon the arrival of Sir Francis Bond Head to represent His most gracious Majesty among the constitutional authorities of the province we were disposed to entertain the happiest expectations, and when his Excellency from the throne invited us to render him "that loyal constitutional, unbiassed and fearless assistance, which your King expects, and which the rising interests of your country require;" and when we saw our often repeated dissatisfaction with the Executive Council removed, and the highest public confidence secured by the addition of the Hon. John Henry Dunn, Robert Baldwin and John Rolph, Esquires, we fully believed that we were about to enjoy under his Excellency, the full benefit of our Charter, by a wise, impartial and constitutional administration of our affairs. The reign of universal thankfulness and tranquillity under this change of things was, we lament to state, of short duration. The country had always supposed that the Executive Council of the province from time to time appointed by His Majesty under the 31st Geo. 3. c. 31, to advise His Majesty and His representative upon the affairs of the province, actually discharged the important duties assigned to them by the constitution, in consequence whereof all public odium of the mismanagement of our affairs has been heretofore visited on the Executive Council, while every Lieutenant-Governor has been acquitted upon the presumption of his being, as pleaded to us by Sir F. B. Head, "a stranger lately arrived among us," and therefore unintentionally misled by corrupt advisers. But it has now come to light that the Executive Council have been almost limited in their duties to a Land Board and Board of Audit, while the affairs of the province, so unsatisfactorily managed, seldom passed under their review or were submitted for their advice. It appears from the appendix to this memorial to which we refer your Honourable House, and to which we earnestly pray a patient, candid and impartial regard, that the late Executive Council, composed of the whole Council with the aforesaid additions, after remaining three weeks in office under the old but concealed system of withholding from their advice the affairs of the province, addressed to his Excellency Sir F. B. Head the confidential representation hereto annexed, praying either that the affairs of the province might be systematically submitted for their advice, preparatory to his Excellency's final and discretionary action thereon, or that they might be allowed to disabuse the public respecting the nature and extent of the duties confided to them. And the need of this request must have been injuriously felt, from the fact, notorious to us and to the country, that every act of his Excellency's administration proved either that the late Council had betrayed public confidence, or that his Excellency followed the advice of uncertain, unsworn and irresponsible persons, neither possessing nor entitled to political confidence.

In the above constitutional, just and reasonable representation made to his Excellency in official confidence under oath, his Excellency made the reply also appended hereto, and concludes, after denying the constitutional origin and duties of the Council, with the assurance to his Council, "that his estimation of their talents and integrity as well as his personal regard for them remain unshaken, and that he is not insensible of the difficulties to which he will be exposed should they deem it necessary to leave him. At the same time should they be of opinion that the oath they have taken requires them to retire from his confidence rather than from the principles they have avowed, he begs that on his account they will not for a moment hesitate to do so." Under these circumstances, the Council feeling themselves under the alternative of abandoning either their principles or their place,

AFFAIRS OF UPPER CANADA.

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place, honourably chose the latter. The aforesaid representation and reply, his Excellency's Answer to us accompanying the same, and various other popular explanations given by his Excellency to the public, with the public proceedings on the same, together with various other documents connected with the subject, and the adopted Report of a Select Committee thereon, are all appended hereto for the more full information of your Honourable House, and the more ample communication of our wants and views. It is with pain, disappointment and humiliation, we notice the reiterated declaration of his Excellency to conduct our affairs without the advice of the Executive Council, according to his own will and pleasure, which his public acts have already proved to be arbitrary and vindictive. And this view of his own sole ministerial power and authority with a nominal responsibility to Downing Street, he has sustained before the public by misstatements and misrepresentations so palpably opposed to candour and truth as to destroy all hopes of further justice from his government; all which is more fully set forth in the documents appended hereto. Since the registration of the late Council his Excellency has formed another, composed of Robert Baldwin Sullivan, Esq., and the Hon. William Allen, Augustus Baldwin, and John Elmsley; neither enjoying nor entitled to the political confidence of the people or their representatives. Upon the formation of this Council, although R. B. Sullivan, Esq. was sworn in and appeared to the public as Senior Councillor, upon whom, in the event of the death or absence of his Excellency, might devolve the administration of the government, yet a secret agreement was entered into, written in the Council Chamber by his Excellency himself, by which was to be defeated the apparent succession of the Senior Councillor to the administration of the government. This arrangement was denied by his Excellency to us in his answer to our Address on the subject; while on the other hand, the facts so derived are proved by the testimony of R. B. Sullivan, Esq. and the Hon. Captain Baldwin, both of whom are still retained by his Excellency in the Council. For other instances of his deviation from candour and truth, as well as of his utter unacquaintance with the nature of our constitution and the mode in which it should be administered, we refer to the appended documents, wherein are also detailed other grievances of an urgent and serious nature, to all of which we humbly pray the serious, speedy and impartial attention of your Honourable House. Being denied the beneficial and constitutional operation of our local institutions, for the management of our local affairs; being threatened with the exercise of the unadvised, arbitrary government of his Excellency, virtually irresponsible, and being satisfied that nothing but an open, entire and honourable abandonment of this policy, equally unconstitutional and pernicious, will ever restore our peace, welfare and good government, we have, in justice to the people, whose civil and religious interests we are solemnly bound fearlessly to vindicate, been obliged, as a last resort, to stop (most reluctantly) the supplies; and for the attainment of redress in these and other matters contained in the appended Report, we pray the aid of your Honourable House.

And, as by inclination and by duty we are led and bound to do, we shall ever pray.

Commons House of Assembly, }
18 April 1836. }

(signed) Marshall S. Bidwell,
Speaker.

COPY of a LETTER from Capt. A. Baldwin to Lieut.-Governor Sir F. B. Head, intended to correct an error with reference to his Evidence before the Select Committee of the House of Assembly, into which the Committee appear to have fallen in taking down his words relative to the Executive Council.

Letter from
Captain Baldwin
to the Lieutenant-
Governor.

Sir,

Russell Hill, April 26th, 1836.

ON looking over the Correspondent and Advocate Newspaper of the 21st April, I observed a statement of my evidence before a Committee of the House of Assembly on the late change in the Executive Council, as appended to the Report of that Committee, and seeing that the Committee must have misunderstood my answers in some points, and that they are not stated correctly, I beg leave to address your Excellency on the subject, lest any misunderstanding should arise with regard to the facts as they actually happened.

To the question put to me, "At whose suggestion was the paper drawn up?" I said "I believed at Mr. Elmsley's," and not, as stated, "At Mr. Elmsley's."

I did not state that the paper was drawn up "in the Executive Council Chamber," but that "it was written in the office of the Clerk;" for we did not go to the Council Chamber till we were called in one by one to be sworn.

I have, &c.

(signed) A. Baldwin.

Enclosure 1, in
No. 1.

Addresses from the
House of Assembly
to the Lieutenant-
Governor.

FOUR ADDRESSES of the HOUSE of ASSEMBLY of UPPER CANADA to the Lieut.-Governor
for Money on account of the Contingencies of the Session of 1836.

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian
Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of
the Province of Upper Canada, &c., &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provin-
cial Parliament assembled, humbly request that your Excellency would be pleased to issue
your warrant on the Receiver-General in favour of the Speaker of this House, for 1,000*l.*,
in part to defray the contingent expenses of this House, which sum we will make good
during the present Session.

Commons House of Assembly, }
10 Feb. 1836.

(signed) *Marshall S. Bidwell*,
Speaker.

Gentlemen,

I SHALL have pleasure in complying with the request contained in your Address of this
day.

To his Excellency Sir *Francis Bond Head*, K.C.H., &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Pro-
vincial Parliament assembled, humbly request that your Excellency would be pleased to
issue your warrant on the Receiver-General in favour of the Speaker of this House, for
1,000*l.*, in part to defray the further contingent expenses of this House, which sum we will
make good during the present Session.

Commons House of Assembly, }
10 March 1836.

(signed) *Marshall S. Bidwell*,
Speaker.

Gentlemen,

I SHALL be happy to comply with the request contained in your Address.

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian
Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of
the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in pro-
vincial Parliament assembled, humbly request that your Excellency will be pleased to issue
your warrant on the Receiver-General in favour of the Speaker of the House of Assembly
for the sum of 2,000*l.*, to defray in part the further contingent expenses of the present
Session, which sum we will make good during the same.

Commons House of Assembly, }
14 April 1836.

(signed) *Marshall S. Bidwell*,
Speaker.

Gentlemen,

As the Legislature is to be prorogued on Wednesday next, I regret exceedingly that I
cannot deem it advisable to comply with the request contained in this Address.

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian
Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of
the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Pro-
vincial Parliament assembled, humbly request your Excellency will be pleased to issue
your warrants to the Receiver-General of this province, in favour of Grant Powell, Esq.,
Clerk to the Honourable the Legislative Council, for the sum of 1740*l.*

Of Stephen Jarvis, Esq., Gentleman Usher of the Black Rod, for certain contingent
expenses of the Honourable the Legislative Council during the present Session, for the
sum of 329*l.* 5*s.*

Of James Fitzgibbon, Esq., Clerk of the House of Assembly, for the sum of
5,864*l.* 1*s.* 8½*d.*, to pay the contingent expenses of his office for the present Session and
late recess.

Of

AFFAIRS OF UPPER CANADA.

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Of David A. M^cNab, Esq., Serjeant at Arms, for the sum of 561*l.* 14*s.* 11*d.*, to enable him to pay certain contingent expenses of the House of Assembly for the present Session.

Which sums His Majesty's faithful Commons will make good during the next Session of Parliament.

Commons House of Assembly, }
20 April 1836.

(signed.)

Marshall S. Bidwell,
Speaker.

Enclosure 1, in
No. 1.

Addresses from the
House of Assembly
to the Lieut.-
Governor.

Contingencies - - - - - £8,496 1*s.* 7*d.*

Item.—Of the above contingencies asked for, 2,700*l.* were, I have been informed, intended to pay Mr. O'Grady, the Editor of the "Correspondent and Advocate," and other presses patronized by the House, for the dissemination of 5,000 copies of their report, and for similar purposes.

Gentlemen,

I REGRET that the course taken by the House of Assembly in refusing to entrust me with the money for the province for the purpose of carrying on the ordinary affairs of government for the current year, forbids such a confidence on my part as your request involves.

Enclosure 2, in No. 1.

Copy of Lieutenant-Governor Sir F. B. Head's Speech on closing the Session of the Legislature of Upper Canada, on the 20th of April 1836.

Lieut.-Governor's
Speech on closing
the Session.

Honourable Gentlemen of the Legislative Council: and

Gentlemen of the House of the Assembly:

BEFORE I release you from the legislative duties in which you have been respectively engaged I consider it necessary to recapitulate the principal events of this Session.

You are perfectly aware that for many years the House of Assembly of Upper Canada have loudly complained of what they term their "grievances," and that at the end of your last Session these complaints having been referred to a "Committee of Grievances," were, by the Assembly, "ordered to be printed in pamphlet form." In pursuance of this order a volume, containing 570 pages, was forwarded to, and received by His Majesty's Government, as containing the sum total of the complaints of the people of this province.

Whether the mere order for printing this report of the Committee could be legally considered as sanctioning it with their opinions, I have no desire to discuss; because no sooner did the said report reach His Majesty's Government, than it was determined that the grievances it detailed should immediately be effectually corrected; and, accordingly, Instructions were drawn out by His Majesty's Secretary of State for the Colonies, in which each subject of complaint was separately considered, and a remedy ordered for its correction: and I have only to refer to those Instructions to prove the generosity with which His Majesty overlooked certain language contained in the report, and the liberality with which he was graciously pleased to direct that impartial justice should be administered to His subjects in this province.

His Majesty's Government having determined that I should be selected to carry these remedial measures into effect, I waited upon the Colonial Secretary of State, (to whom, as well as to almost every other member of the Government, I was a total stranger,) and respectfully begged leave to decline the duty, truly urging as my reason, that having dedicated my whole mind to a humble but important service, in which I was intently engaged, it was more congenial to my disposition to remain among the yeomanry and labouring classes of my own country, than to be appointed to the station of Lieutenant-Governor of Upper Canada. His Majesty's Government having been pleased to repeat their request, I felt it impossible not to accede to it; and I accordingly received the instructions which had been framed; and having had the honour of an interview with His Majesty, during which, in an impressive manner which I can never forget, he imposed upon me His royal commands to do strict justice to his subjects in this province, I left England with a firm determination to carry the remedial measures with which I was entrusted into full effect.

I arrived at this capital on the 23d of January last, and on the 27th I delivered a speech, in which I informed you I would submit in a message the answer which His Majesty had been pleased to give to the several addresses and representations which proceeded from the two branches of the legislature during the last Session. I added, that as regarded myself, I had nothing either to promise or profess, but that I trusted I should not call in vain upon you for that assistance which your King expected, and which the rising interests of your country required.

In thus officially coming before the legislature of this country from our gracious Sovereign, with a full measure of reform, I had expected that my appearance would have been hailed and welcomed by both Houses of the Legislature, more especially by that, from which had proceeded the Grievance Report; and I must own, I never anticipated it could seriously be argued for a moment that I was intruding upon the privileges of either House.

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Having

Enclosure 2, in
No. 1.

Lieut.-Governor's
Speech on closing
the Session.

Having made myself acquainted with the outline of public feeling in this province, by conversing calmly with the men of most ability of all parties, I communicated the result to Lord Glenelg, in despatches dated the 5th of February, of which the following are extracts :

" Under these circumstances I consider that the great danger I have to avoid is the slightest attempt to conciliate any party; that the only course for me to adopt is, to act fearlessly, undisguisedly, and straightforwardly for the interests of the country; to throw myself on the good sense and good feeling of the people, and abide a result which I firmly believe will eventually be triumphant."

" Whatever may be the result, I shall steadily and straightly proceed in the course of policy I have adopted: I shall neither avoid, nor rest upon any party; but after attentively listening to all opinions, I will, to the best of my judgment, do what I think honest and right; firmly believing that the stability of the throne, the interests of this province, and the confidence of the people, can now only be secured by such a course."

To the Speakers of both Houses, as well as to many intelligent individuals with whom I conversed, I declared my sincere determination to do justice to the people of this province. It was, however, with deep regret I observed, that from the House of Assembly I did not immediately obtain the assistance I expected in carrying the instructions of His Majesty's Government into effect; for I received various addresses requesting papers and information which I feared might excite troublesome and by-gone discussion.

On the 5th of February I received an address of this nature, to which, in as conciliatory a tone as possible, I replied at considerable length; and being now determined to urge, and, if possible, to lead the House of Assembly on towards reform, I concluded my reply in the following words :

" The Lieutenant-Governor takes this opportunity of appealing to the liberality and good sense of the House of Assembly for consideration; that as a stranger to this province, totally unconnected with the political differences which have existed in the mother country, he has lately arrived here, entrusted by our most gracious Sovereign with instructions, the undisguised object of which is, firmly to maintain the happy constitution of this country inviolate; but to correct cautiously, yet effectually, all real grievances.

" The House of Assembly is deeply interested in the importance and magnitude of the task he has to perform; and he is confident it will, on reflection, be of opinion, that the Lieutenant-Governor of this province had better look steadily forward to its future prosperity and improvement; that he had better attract into Upper Canada the superabundant capital and population of the mother country by encouraging internal peace and tranquillity, than be observed occupying himself solely in reconsidering the occurrences of the past.

" The Lieutenant-Governor does not assert that the latter occupation is totally useless; but he maintains that the former is by far the more useful, and that to attend to both is impossible."

This appeal did not produce the effect I had anticipated; but I received another address from the House of Assembly in behalf of eight Indians of the Wyandot tribe; and I had scarcely entered this new and questionable ground, when a counter-petition was forwarded by eleven members of the same tribe, in which they spontaneously declared, " We have the fullest confidence in the justice and fatherly protection of our beloved Sovereign and his representative the Lieutenant-Governor."

Another new set of grievances was now brought forward by the House of Assembly, in the form of an Address to the King on Trade and Commerce, which I immediately forwarded to His Majesty's Government, although the principal complaints in the Grievance Report still remained unnoticed and unredressed.

During these discussions I purposely refrained from having much communication with the old supporters of the government; because I was desirous to show those who termed themselves reformers, that I continued, as I had arrived, unbiassed and unprejudiced; and desiring to give them a still further proof that I would go any reasonable length to give fair power to their party, I added three gentlemen to the Executive Council, all of whom were avowed reformers.

With the assistance of these gentlemen—with His Majesty's instructions before us—and with my own determination to do justice to the inhabitants of this country, I certainly considered that the triumph of the reform which had been solicited was now about to be established, and that the grievances under which the people of this province were said to labour, would consecutively be considered and redressed. But, to my utter astonishment, these gentlemen, instead of assisting me in reform, before they were a fortnight in my service, officially combined together in an unprecedented endeavour to assume the responsibility I owed to the people of Upper Canada as well as to our Sovereign, and they concluded a formal document which they addressed to me on this subject, by a request that if I deemed such a course not wise or admissible, they, who had been sworn before me to secrecy, might be allowed to address the people! and I must own, that the instant this demand reached me, I was startled, and felt it quite impossible to assent to the introduction of new principles, which, to my judgment, appeared calculated to shake the fabric of the constitution, and to lead to revolution instead of reform.

Without discussing the arguments of the Council, I will simply observe, that had I felt ever so much disposed to surrender to them my station of Lieutenant-Governor and to act subserviently to their advice; had I felt ever so willing obediently to dismiss from office
whomsoever

whomsoever they should condemn, and to heap patronage and preferment upon whomsoever they might recommend; had I felt it advisable to place the Crown lands at their disposal, and to refer the petitions and personal applications of the inhabitants of the remote counties to their decision; I possessed neither power nor authority to do so. In fact, I was no more able to divest myself of responsibility, than a criminal has power to divert from himself upon another the sentence of the law; and though, under the pretence of adhering to what is called "the image and transcript" of the British Constitution in this province, it was declared that the Executive Council must be regarded as a *cabinet*, I had no more power to invest that body with the attributes of a cabinet than I had power to create myself King of the province—than I had power to convert the Legislative Council into an hereditary nobility; or than I had power to decree that this *Colony* of the British Empire should henceforward be a *KINGDOM*.

From total inability, therefore, as well as from other reasons, I explained to my Council, in courteous language, that I could not accede to their views; and it being evidently necessary for the public service that we should separate, I felt it was for them rather than for me to retire. I received their resignations with regret; and, that I entertained no vindictive feelings, will be proved by the fact, that I immediately wrote to Lord Glenelg, begging his Lordship most earnestly not to dismiss from their offices any of these individuals on account of the embarrassment they had caused to me.

On the day the Council left me I appointed in their stead four gentlemen of high character, entitled by their integrity and abilities to my implicit confidence; and with their assistance I once again determined to carry promptly into effect those remedial measures of His Majesty's Government which had been solicited by the Grievance Report.

However, a new and unexpected embarrassment was now offered to me by the House of Assembly, who, to my astonishment, not only requested to be informed of the reasons why my Executive Council had resigned, but who, I have learned, actually suspended all business until my reply was received!

As the Lieutenant-Governor of this Province is authorized by His Majesty, in case of death or resignation, to name, *pro tempore*, the individuals he may think most proper to appoint to his Council, I might constitutionally, and perhaps ought to have declined to submit to either branch of the legislature my reasons for exercising this prerogative; but actuated by the earnest desire, which I had uniformly evinced, to comply with the wishes of the House of Assembly, I transmitted to them the correspondence they desired, with a conciliatory message which ended as follows:

"With these sentiments, I transmit to the House of Assembly the documents they have requested, feeling confident that I can give them no surer proof of my desire to preserve their privileges inviolate than by proving to them that I am equally determined to maintain the rights and prerogatives of the Crown, one of the most prominent of which is that which I have just assumed, of naming those Councillors in whom I conscientiously believe I can confide.

"For their acts I deliberately declare myself to be responsible, but they are not responsible for mine, and cannot be, because, being sworn to silence, they are deprived by this fact as well as by the constitution, of all power to defend themselves."

The House of Assembly referred the whole subject to a Committee, which, contrary to customary form, made its existence known to me by applying directly to me, instead of through the House, for other documents and informations, which I immediately forwarded, without objecting to the irregularity of the application; and the House, to my great surprise, prematurely passed its sentence upon the subject in an address, in which it declared to me its "deep regret that I had consented to accept the tender of resignation of the late Council."

The following extract from my reply to this unexpected decision will sufficiently explain the amicable desire I still entertained to afford all reasonable satisfaction.

"The whole correspondence I forward to the House of Assembly, with an earnest desire that, regardless of my opinion, the question may be fairly discussed."

"In the station I hold I form one branch out of three of the legislature; and I claim for myself freedom of thought as firmly as I wish that the other two branches should retain the same privilege.

"If I should see myself in the wrong I will at once acknowledge my error; but if I should feel it my duty to maintain my opinion, the House must know that there exists a constitutional tribunal competent to award its decision, and to that tribunal I am ever ready most respectfully to bow.

"To appeal to the people is unconstitutional as well as unwise—to appeal to their passions is wrong; but on the good sense of the House of Assembly I have ever shown a disposition to rely, and to their good sense I still confidently appeal."

Having thus thrown myself upon the integrity of the House of Assembly I might reasonably have expected that a favourable construction would have been placed upon my words and acts, and that the disposition which I had evinced to afford the most ample information, and to meet, as far as my duty would admit, the expectations and desires of the Assembly, would have been duly appreciated; the events, however, which soon after transpired, and the addresses which were presented to me in this city and from other places in the vicinity, conveyed to me the unwelcome information that efforts were being made, under the pretence of "the constitution being in danger," to mislead the public mind, and to induce a belief that I, as Lieutenant-Governor, had declared an opinion in favour of an arbitrary and irresponsible government, that I had shewn an entire disregard of the

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sentiments and feelings of the people whom I had been sent to govern, and that, therefore, the inhabitants of this country could never be contented or prosperous under my administration. Several petitions, purporting to be addressed to the House of Assembly and apparently forwarded by members of that House to individuals in the country, with a view to obtain signatures, having been returned to the Government Office, I had ample opportunities of becoming acquainted with the fact that there existed an intention to embarrass the government by withholding the supplies, and that even the terms had been prescribed to the people of the province in which they were expected to address their representatives for that object.

Now it will scarcely be credited that while I was thus assailed, while placards declared that the constitution was in danger, merely because I had maintained that the Lieutenant-Governor, and not his Executive Council, was responsible for his conduct, there existed in the Grievance Report the following explanation of the relative duties of the Lieutenant-Governors and of his Executive Council.

"It appears," say the Grievance Committee, "that it is the duty of the Lieutenant-Governor to take the opinion of the Executive Council only in such cases as he shall be required to do so by his instructions from the Imperial Government, and in such other cases as he may think fit. It appears by the following transactions that the Lieutenant-Governors only communicate to the Council so much of the private despatches they receive from the Colonial Office as they may think fit, unless in cases where they are otherwise specially instructed."

Gentlemen of the House of Assembly :

Having at your request transmitted to you the correspondence which passed between my late Executive Council and myself, and having reminded you that there existed "a constitutional tribunal competent to award its decision, and that to that tribunal I was ever ready most respectfully to bow," it is with surprise I learn that you have deemed it necessary to stop the supplies.

In the history of Upper Canada this measure has, I believe, never before been resorted to; and as I was the bearer of His Majesty's especial instructions to examine and, wherever necessary, to correct the "grievances" detailed in your report of last Session, I own I did not expect to receive this embarrassment from your House.

The effect of your deliberate decision will be severely felt by all people in the public offices, by the cessation of improvement in your roads, by the delay of compensation to sufferers in the late war, and by the check of emigration.

In the complaints you have made to His Majesty against me (in which you declare that my "ear is credulous," my "mind poisoned," my "feelings bitter," that I am "despotic," "tyrannical," "unjust," "deceitful," that my conduct has been "derogatory to the honour of the King," and "demoralizing to the community," and that I have treated the people of this province as being "little better than a country of rogues and fools"), you have availed yourselves of a high legislative privilege entrusted to you by your constituents, to the exercise of which I have consequently no constitutional objection to urge, but for the honour of this province in which I, though unconnected with the country, am as deeply interested as its inhabitants, I cannot but regret that while I was receiving from all directions the most loyal addresses, you, in your legislative capacity, should have characterized His Majesty's Government which has lately acted towards Upper Canada so nobly and disinterestedly by the expression of "Downing-street Law."

Honourable Gentlemen, and Gentlemen :

Having now concluded an outline of the principal events which have occurred during the present Session, I confess that I feel disappointed in having totally failed in the beneficent object of my mission.

I had made up my mind to stand against the enemies of reform, but I have unexpectedly been disconcerted by its professed friends. No liberal mind can deny that I have been unnecessarily embarrassed; no one can deny that I have been unjustly accused; no one can deny that I have evinced an anxiety to remedy all real grievances, that I have protected the constitution of the province, and that by refusing to surrender at discretion the patronage of the Crown to irresponsible individuals I have conferred a service on the back-woodsman, and on every noble-minded Englishman, Irishman, Scotchman and U. E. loyalist, who, I well know, prefer British freedom and the British Sovereign to the family domination of an irresponsible cabinet.

It now only remains for me frankly and explicitly to declare the course of policy I shall continue to adopt as long as I may remain the Lieutenant-Governor of this province, which is as follows :

I will continue to hold in my own hands for the benefit of the people, the power and patronage of the Crown, as imparted to the Lieutenant-Governor of this province by the King's instructions; I will continue to consult my Executive Council upon all subjects on which, either by the Constitutional Act or by the King's instructions, I am ordered so to do, as well as upon all other matters in which I require their assistance. I will continue to hold myself responsible to all authorities in this country, as well as to all private individuals, for whatever acts I commit, either by advice of my Council or otherwise, and will continue calmly and readily to afford to all people every reasonable satisfaction in my power. I will use my utmost endeavours to explain to the people of this province that they want only wealth and population to become one of the finest and noblest people on the

the globe, that union is strength, and that party spirit produces weakness, that they should consequently forgive and forget political as well as religious animosity, and consider as their enemies only those who insidiously promote either; that, widely scattered as they are over the surface of this extensive country, they should recollect with pride the brilliant history of "the old country," from which they sprung, and, like their ancestors, they should firmly support the British standard, which will ever afford them freedom and disinterested protection; that by thus tranquillizing the province, the redundant wealth of the mother country will irrigate their land, and that her population will convert the wilderness which surrounds them into green fields; that an infusion of wealth would establish markets in all directions, as well as good roads, the arteries of agriculture and commerce; that plain, practical education should be provided for the rising generation, as also the blessings of the Christian religion, which inculcates "Glory to God in the highest, and on earth peace, good-will towards men."

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the Session.

Taking every opportunity of offering these recommendations to the inhabitants of this province, I shall in no way attempt to enforce them; on the contrary, I shall plainly promulgate that if the yeomanry and farmers of Upper Canada are not yet sufficiently tired of agitation, if they do not yet clearly see what a curse it has been to them, it will be out of my power to assist them; that if they insist on turning away the redundant wealth as well as the labourers of the mother country to the United States, I shall be unable to prevent them; in short, that if they actually would rather remain as they are than become wealthy, as they might be, my anxiety to enrich them must prove fruitless.

On the other side, whenever they shall be disposed to join heart and hand with me in loyally promoting the peace and prosperity of the province, they shall find me faithfully devoted to their service. In the mean while I will carefully guard the constitution of the country, and they may firmly rely that I will put down promptly, as I have already done, the slightest attempt to invade it.

With inward pleasure I have received evidence of the invincible re-action that is hourly taking place in the public mind, and for the sake of the province rather than for my own I hail the manly British feeling which in every direction I see, as it were, rising out of the ground, determined to shield me from insult and to cheer and accompany me in my progress towards reform.

I have detained you longer than is customary, but the unprecedented events of this Session have made it necessary to do so.

Enclosure 3, in No. 1.

UPPER CANADA.

ADDRESSES from different parts of the Province to Lieutenant-Governor
Sir Francis Bond Head, K.C.H., referred to in the accompanying Despatch.

Address from
the Provinces to
Lieut.-Governor.

	Signatures.
1. City of Toronto - - - - -	1,640
2. County of Hastings - - - - -	716
3. District of Niagara - - - - -	754
4. District of Prince Edward - - - - -	864
5. Kingston, and vicinity - - - - -	570
6. Newmarket, and vicinity - - - - -	114
7. Town of Niagara - - - - -	96
8. Youge Street - - - - -	155
9. Township of Ancaster - - - - -	147
10. Township of Stamford - - - - -	192
11. Bytown, two addresses - - - - -	281
12. Township of Georgina - - - - -	60
13. Township of Guelph - - - - -	167
14. Peterboro', and vicinity - - - - -	1,026
TOTAL - - - - -	6,782

—No. 1.—

To his Excellency Sir Francis Bond Head, K.C.H., &c. &c. &c., Lieut.-Governor of
Upper Canada, &c. &c.

May it please your Excellency,

WE, the undersigned inhabitants of the city of Toronto and its immediate vicinity, beg leave to express to your Excellency our deep regret at the difficulties which have recently arisen on the subject of the constitutional duties of the Executive Council of this province.

We view with the strongest feelings of disapprobation and indignation the efforts which have recently been made and are now making to take advantage of these difficulties, for the purpose of embarrassing your Excellency in the administration of the government of this province,

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province, and for the purpose of creating an excitement and disturbance in the colony which is calculated to produce the most injurious and fatal effects, and to be subversive of the peace, welfare and good government of the country.

We feel the highest satisfaction at the sentiments expressed by His Majesty's Government on the affairs of the colony, as contained in the royal instructions to your Excellency, which were laid before the legislature immediately after your arrival in this city.

We have the highest confidence in the talents and integrity of your Excellency, and in the sincerity of your repeatedly declared desire to carry into effect the liberal intentions of His Majesty's Government towards the people of this province, and we view with unqualified admiration the candour, the conciliatory manner and the manly firmness with which your Excellency has met the demonstrations which have recently been made to embarrass your Excellency in the administration of your government, and to create an excitement and disturbance in this prosperous and highly favoured country.

Ardently attached to the Government and institutions of the great empire of which these colonies have the advantage of being an integral part, we are determined by all lawful means in our power to preserve and perpetuate the connexion, and to oppose and counteract every effort which may now be making, or which hereafter may be made, either openly or insidiously, to dissolve or weaken that connexion, and to introduce into the institutions of this province changes which are incompatible with the principles of the British form of Government.

Convinced that the prerogatives of the Crown are only a sacred trust for the protection of the rights and liberties of the people, and that by sustaining the one we are taking the most effectual means of securing the other, we beg to assure your Excellency that we shall make use of all lawful and constitutional exertions to uphold your Excellency in the administration of the government of this province, and to support you in your determination to carry into effect the liberal intentions of his Majesty's Government towards the people of this colony.

Number of signatures attached to this Address - - 1640.

—No. 2.—

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieut.-Governor of the Province of Upper Canada, &c. &c. &c.

WE, the inhabitants of the county of Hastings have seen the correspondence lately published between the late Executive Council and your Excellency, and have read with pleasure your Excellency's determined, talented and firm arguments in that correspondence relative to the charter of our liberties, our constitutional act, and cannot but express our regret at the premature and hasty resignation of said Councillors, particularly at a moment when your Excellency was preparing for their consideration measures of reform for the better administration of good government in this province, and would beg your Excellency still to continue in the same resolution of upholding and supporting the best interests of our agriculturists and advancing the prosperity of our province.

Number of signatures attached to this Address - - 716.

—No. 3.—

To his Excellency Sir *Francis Bond Head*, Lieutenant-Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, the undersigned inhabitants of the district of Niagara, who profess loyalty to our Sovereign, deem it our duty to come forward at the present crisis of affairs in this province, and declare our attachment to the constitution of the country, and approval of the conduct of the representative of our king.

We have read the document signed by the late Executive Council to your Excellency, and your Excellency's reply. We have also read the Petition of the Council of the City of Toronto to your Excellency, and your Excellency's answer thereto. We now do most willingly and cheerfully come forward to record our approbation of the firmness of character exhibited by your Excellency; and we are pleased to hear that your Excellency will "maintain the happy constitution of the country inviolate," and will "cautiously, yet effectually, correct all real grievances." We are also pleased to find that your Excellency consults the "interests of the farmer," in preventing the patronage of the province passing into the hands, (which it would do) "of a few families, which might possibly promote their own views to the rejection of the interests of the distant counties."

We regret that any differences should have arisen between your Excellency and the Executive Council at this time; but we hesitate not to declare, that we approve of the conduct of your Excellency; and we believe that if those invested with power would lay aside all private feelings, and "forgive and forget" all political animosity, that His Majesty's wishes, as expressed in your instructions, would be promptly executed.

Number of signatures attached to the Address - - 754.

No.

AFFAIRS OF UPPER CANADA.

15

—No. 4.—

Enclosure 3, in
No. 1.

To his Excellency Sir *Francis Bond Head*, К. С. Н., Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

Address from
the Provinces to
Lieut.-Governor.

WE, His Majesty's loyal and devoted subjects, the inhabitants of the district of Prince Edward, in approaching your Excellency, beg leave to express in the most unequivocal manner, our firm attachment to the king and constitution, and to the continuance of our connexion with the mother country, a connexion which has raised this province to its present prosperous and flourishing condition.

We fully coincide with your Excellency in your interpretation of the Constitutional Act; and are convinced had you yielded to the demands of your late Executive Council, and transferred to them the power and responsibility which are invested in yourself, your thus consenting to place the patronage of the Crown in the hands of a few leading individuals, would bring about a change injurious to the best interests of both Crown and people.

Impressed with these sentiments, we rejoice to know that your Excellency has expressed your firm determination to maintain inviolate the constitution of this province, and, at the same time, to proceed in the reformation of any abuse that may exist, and fully relying on these your Excellency's determination,

We have the honour to be, &c.

Number of signatures attached to this Address - - 864.

—No. 5.—

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Guelphic Order of Hanover, and of the Prussian Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

WE, His Majesty's faithful and loyal subjects, inhabitants of the town and township of Kingston, in the midland district, most respectfully crave leave to address your Excellency at this time of political agitation.

Assembled in general meeting duly convened, we beg to assure your Excellency that we view the increase and prosperity of this province as mainly attributable to its connexion with the parent state, and that our duty, as well as our interests require that such connexion should be defended at all hazards.

That we owe allegiance to His Majesty, and obedience to those prerogatives with which the constitution has invested him for the good of the people.

That while Upper Canada continues to be a British colony, the Lieutenant-Governor as the representative of, and responsible to His Majesty, is, by the Act of 31 Geo. 3, made wholly and solely responsible for the acts of his government, and that it was never contemplated by that Act to invest an Executive Council with such responsibility.

That while we perceive with regret the differences which have occurred between your Excellency and the late Executive Council, we cannot but rejoice at your determination to uphold the present constitution, assured that while you preserve the prerogatives of the Crown, you will maintain inviolate the rights and liberties of the people.

That during the short period since your Excellency's accession to the government of this province, your upright manly and uncompromising conduct has been such as to call forth the respect of all classes of His Majesty's subjects in this province, and to assure them, that your Excellency is eminently qualified and manifestly desirous to promote the true interests of this rapidly rising portion of His Majesty's empire.

May your Excellency long continue to rule over us with the candour and honesty, the firmness and dignity which has already characterised your administration of the government of this province.

Kingston, 30th March 1836.

Number of signatures attached to this Address - - 570.

—No. 6.—

To his Excellency Sir *Francis Bond Head*, К. С. Н., &c. &c. &c., Lieutenant-Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, the undersigned inhabitants of the village of Newmarket and the adjacent country, beg leave to express to your Excellency our deep regret at the difficulties which have recently arisen on the subject of the constitutional duties of the Executive Council of this province.

We view, with the strongest feelings of disapprobation and indignation, the factious efforts which have recently been made, and are now making, to take advantage of those difficulties for the purpose of embarrassing your Excellency in the administration of the government of this province, and for the purpose of creating an excitement and disturbance

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Addresses from
the Provinces to
Lieut.-Governor.

turbance in the colony, which is calculated to produce the most injurious effects, and to be subversive of the peace, welfare and good government of the country.

We feel the highest satisfaction at the sentiments expressed by His Majesty's Government on the affairs of this colony, as contained in the royal Instructions to your Excellency, which were laid before the legislature immediately after your arrival in the city of Toronto.

We have the highest confidence in the talents and integrity of your Excellency, and in the sincerity of your repeatedly declared desire to carry into effect the liberal intentions of His Majesty's Government towards the people of this province; and we view with unqualified admiration the candour, the conciliatory manner, and the manly firmness with which your Excellency has met the factious demonstrations which have recently been made to embarrass your Excellency in the administration of your government, and to create an excitement and disturbance in this prosperous and highly favoured country.

Ardently attached to the government and institutions of the great empire of which these colonies have the advantage of being an integral part, we are determined, by all lawful means in our power, to preserve and perpetuate that connexion, and to oppose and counteract every effort which may now be making, or which hereafter may be made, either openly or insidiously, to dissolve or weaken that connexion, and to introduce into the institutions of this province changes which are incompatible with the principles of the British form of Government.

Convinced that the prerogatives of the Crown are only a sacred trust for the protection of the rights and liberties of the people, and that by sustaining the one we are taking the most effectual means of securing the other—we beg to assure your Excellency that we shall make use of all lawful and constitutional exertions to uphold your Excellency in your administration of the government of this province, and to support you in your determination to carry into effect the liberal intentions of His Majesty's Government towards the people of this colony.

Number of signatures attached to this Address - - 114.

—No 7.—

To his Excellency, Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, the inhabitants of the town of Niagara, subjects firmly attached to the parent empire, and appreciating the blessings of the British constitution, beg leave respectfully to address your Excellency at the present political crisis.

The limited experience we have had of your past administration in this colony convinces us that Upper Canada has acquired in you an uncompromising representative of His Majesty, and we sincerely trust that no schism in your Councils, nor undue interference from any quarter, will ever divert you from those defined constitutional principles you have already adhered to for the credit of the country, the lasting honour of yourself, and the dignity of His Majesty's Crown.

In the present political strife, we consider ourselves called upon as subjects of His Majesty, and firmly attached to his supremacy, and those principles consolidated in the colonial constitution, to express our undisguised sentiments.

We have recently had called to our attention the appointment of your first Executive Council, and we consider that you correctly exercised the prerogative that is vested in you, and that in accepting their resignation, and calling other individuals to your cabinet, you evinced a discretion and dignity worthy of your exalted situation.

We are well assured that at present there exists no excited state of public feeling in this district, nor, to any alarming extent, elsewhere, occasioned by the proceedings between your Excellency and your Council.

We sincerely regret that the measures of conciliation suggested, and the unwearied parental forbearance exercised on the part of the British Government, through His Majesty's representatives in both provinces, for our mutual prosperity should have been so unfortunately misplaced, and those remedial measures recommended for our benefit paralyzed in their effect.

We ever desire to see the Constitutional Act of this colony upheld by the King, and shielded by the people, from all vital innovations in its original spirit, and transmitted unimpaired to latest posterity.

In conclusion, we, the inhabitants of this town, the first established in this colony, and sufficiently tried for loyalty and sufferings, beg leave to express our admiration of that decisive course your Excellency has adopted in the recent difficulties you have contended with, in reconciling public opinion, and resisting any improper interference; and we unanimously declare ourselves pledged with our influence and hearts to serve King and country, and persevere in maintaining an administration based so firmly on constitutional principles.

Number of signatures attached to this Address - - 96.

No.

AFFAIRS OF UPPER CANADA.

17

(No. 8.)

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

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Addresses from
the Provinces to
Lieut.-Governor.

WE, the loyal inhabitants of Youge Street, sensible of the many distinguished privileges we enjoy by our connexion with the British empire, beg leave hereby to tender you our most sincere thanks for, and approbation of, your very independent and faithful conduct since assuming the government of this happy and thriving colony; and particularly for the able, clear and distinct manner in which you have elucidated the nature and bearings of our well tried constitution, to the dismay and discomfiture of a few political partisans, who seek to destroy its nicely balanced powers, by making every thing subservient to a dominant political faction, than the which no greater calamity could befall our adopted country.

Fully engaged in our various pursuits in the social interchanges of private life, and the quiet enjoyment of agricultural employment, we have neither leisure nor disposition to take part in all the political excitement which is kept alive by a few selfish, designing and ambitious men, for the gratification of private ends; but possessing an inviolable attachment to the mother country, to the genius and spirit of her institutions and laws, and desiring to see her exercise a paramount influence in the administration of our government, we *firmly rely upon her strong arm* to protect us against all such innovations and changes as would destroy our happy constitution. That you may stand firmly by it, and with all that promptitude and decision you have so fearlessly and manfully evinced, is the most fervent prayer of His Majesty's loyal subjects of Youge Street.

Number of signatures attached to this Address - - 155.

(No. 9.)

To his Excellency Sir *Francis Bond Head*, Knight, Lieutenant-Governor of Upper Canada.

WE, the undersigned freeholders and householders of the township of Ancaster and its vicinity, beg leave to assure your Excellency that we have witnessed with great pain and indignation the attempts made to embarrass and impede your Excellency's administration in this province, which, under the wise and paternal instructions of His most gracious Majesty, augured so favourably for its future prosperity. We are convinced that it is but a small number of the respectable inhabitants of this province who would thus interpose to frustrate your Excellency's beneficent intentions, and many of those have been misled by the unceasing efforts of a few designing men, who have long endeavoured to distract and agitate this province, and retard its future advancement in wealth, greatness and renown.

We therefore consider it our imperative duty to assure your Excellency that we should ever strive to uphold, by every means in our power, that happy form of government which Great Britain has guaranteed us by the Constitutional Act, and are determined to maintain inviolate the existing connexion between this province and the parent State.

Individually and unitedly we congratulate your Excellency on your arrival among us, and fervently pray that, by the assistance of Divine Providence, you may be the instrument of diffusing throughout the province the blessings of good government and peace, of which your conduct since the commencement of your administration is a happy harbinger and certain pledge.

Number of signatures attached to this Address - - 147.

(No. 10.)

To his Excellency Sir *Francis Bond Head*, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

WE, His Majesty's dutiful and loyal subjects resident in the township of Stamford, in the said province, beg leave respectfully to address your Excellency, to state that we accord with your Excellency in the desire which you have shown to maintain our glorious constitution (the envy of all nations) inviolate; anticipating the happiest results when your Excellency shall deem it expedient to carry into effect those measures of reform which may be deemed necessary, and to which you referred in your Excellency's Message to the Legislature.

We are aware that there exists a certain faction in this province, whose aim is doubtless to mutilate or overthrow that constitution, and render nugatory the best intentions of His Majesty towards the people of this colony; and for the purpose of those persons of this township who are attached to His Majesty's Government having an opportunity of expressing their approbation thereof and your Excellency's conduct, a meeting was advertised for the 6th instant, when from the industry of the radical faction bringing together

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a large number of people from other townships, equally discontented or disaffected, their wishes could not then be realized, which party are handing about petitions at the present time for signature, for the purpose of thwarting the representative of His Majesty in carrying into effect his anxious wishes for their welfare and happiness. In such a crisis as this we feel ourselves called upon to testify our loyalty and attachment to our beloved Sovereign and our excellent constitution, and to express our sincere acknowledgements to your Excellency for the calm and deliberate manner in which you have endeavoured to convince that faction their views of the constitution are erroneous, and that any infringement thereof or alteration required by them (which we have seen in the public prints), must tend ultimately to militate against the best interests of the inhabitants of this province. We regret that in so short a period of your administering the government of Upper Canada any differences should have arisen between your Excellency and the late Executive Council, and trust that when a thorough knowledge of what is required of the present one is entertained, they will cordially and conscientiously aid your Excellency in the discharge of the important duties pointed out in His Majesty's instructions for the government of this province.

Stamford, 7th April 1836.

Number of signatures attached to this Address, 192.

(No. 11. A.)

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of Upper Canada.

May it please your Excellency,

WE, the undersigned inhabitants of Bytown and its vicinity, beg leave to offer your Excellency our sincere congratulations on your arrival in this province, and on commencing the discharge of those high and important duties attached to the eminent situation in which our revered Sovereign has been pleased to place you.

The recent events in your Excellency's Council have been received by us with deep regret, as happening at so early a period after your arrival among us; and fearing that some temporary inconvenience might be felt by your Excellency being deprived of the assistance of those who had been deemed qualified to act as advisers in cases where your Excellency might think proper to consult them. But when we reflect that some of the Council had been selected by your Excellency's predecessors, and that your Excellency has been pleased to express your regret that a difference of opinion should be deemed by them a sufficient ground for withdrawing their services, it would ill become us, either in reference to your Excellency's predecessors, (of whose services to the country we entertain a grateful recollection), or to your own opinions so candidly expressed, to indulge in blaming those members of your Council who have acted as they have thought incumbent upon them to do. We cannot, however, allow this opportunity to escape, without conveying to your Excellency our grateful thanks for the candid, firm and open declaration of the line of political conduct your Excellency has been pleased to avow; and we hail the clear and open exposition of the principles of our happy constitution which your Excellency has been pleased to set forth as the surest pledge we can receive of the sentiments you entertain; and that under your Excellency's administration those principles so dear to every loyal subject will be maintained with unsullied purity.

With unqualified sentiments of approbation of the line of conduct heretofore pursued by your Excellency, we beg leave to convey to you at the same time the assurance of our high estimation of the many privileges we enjoy under the protection of the British Government, privileges so dear and justly appreciated by every well-wisher of this province, that in their support, and (if need be) in their defence, your Excellency may implicitly rely upon the zeal and good feeling of the inhabitants of Bytown and its vicinity.

Number of signatures attached to this Address - - 211.

(No. 11. B)

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieut.-Governor of the Province of Upper Canada.

May it please your Excellency,

WE, the undersigned inhabitants of Bytown and vicinity, fully appreciating the blessings of the British Constitution, under which we live, beg leave to address your Excellency at the present eventful crisis.

The principles of our constitution, which your Excellency has so clearly defined, and the firmness which you have exhibited in upholding them, are sources of unmingled pleasure to us; we accordingly return your Excellency our most grateful thanks, and we earnestly pray that you will never depart from them.

We

AFFAIRS OF UPPER CANADA.

19

We think we see in the conduct of certain individuals, whom your Excellency was pleased to elevate to your Council (acting as they manifestly did, under the guidance of the leader of a political faction), signs of an already deeply rooted conspiracy against that frame of government which has fostered and encouraged this infant colony; but we have the utmost confidence, that by a continuation of the decision which your Excellency has already exhibited, evincing as it does an intimate foreknowledge of our real interests, we shall be spared from democratic tyranny, and still have the happiness to remain a part of the British Empire.

We deprecate the conduct of those who, pretending to represent the sentiments of the people, either from ignorance or treachery, or both, make use of language towards your Excellency, as the King's representative, not only grossly insulting towards His Majesty, but highly degrading to themselves, and abusing their legislative privileges, by distributing through the province, at the expense of a much injured and deceived people, a seditious petition for signature, calling upon themselves to stop the supplies; thus more clearly proving the existence of the conspiracy before referred to.

Your Excellency may however be assured that the body of the people will not fail in their allegiance, should the day of trial arrive; and we pledge ourselves to support your Excellency in the maintenance of the just prerogatives and authority of His Majesty over this province.

Number of signatures attached to this Address - - 70.

(No. 12.)

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and Knight of the Prussian Military Order of Merit, Lieut.-Governor of the Province of Upper Canada.

WE, the undersigned inhabitants of the township of Georgina, beg respectfully to state to your Excellency the surprise and regret with which we view the sudden resignation of the late Executive Council, at a period when their services were most required.

We also beg to state the concern with which we observe that printed petitions, addressed to the House of Assembly, are in circulation for signature throughout the country, praying that House, in consequence of such resignation, to adopt measures unconstitutional in themselves, injurious to the interests of this province, and tending ultimately to its separation from the parent State.

Aware of the rational liberty we enjoy under our present constitution, and of the advantages this colony derives from its connexion with Great Britain, we should look with alarm upon such attempts of factious demagogues, and their deluded followers, but that we rely, under Providence, upon that steady and fearless execution of your duty, which your Excellency has already shown for the preservation to us of these blessings unimpaired.

Number of signatures attached to this Address - - 60.

(No. 13.)

To his Excellency Sir *Francis Bond Head*, К. С. Н., &c. &c. &c., Lieut.-Governor of the Province of Upper Canada.

WE, His Majesty's dutiful and loyal subjects, inhabitants of the township of *Guelph*, in the district of *Gore*, and province aforesaid,

Respectfully represent,

THAT we view with extreme regret the strenuous exertions now making by a portion of the residents of this province, to embarrass your Excellency's government and thwart the gracious intentions of our beloved Sovereign, as expressed in your Excellency's communication to the two Houses of the Legislature.

That we respectfully beg to make known to your Excellency the satisfaction we feel in the determination expressed by your Excellency, to uphold inviolate our excellent constitution, perfectly satisfied that it secures to all classes of His Majesty's subjects that true, equal and perfect liberty which ever emanates from the spirit of the British Constitution.

That we beg to assure your Excellency of our firm determination to support, by every means in our power, your Excellency's administration in the enforcement of the laws, and the carrying into effect His Majesty's most gracious intentions.

Guelph, 5th April 1836.

Number of signatures attached to this Address - - 167.

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the Provinces to
Lieut.-Governor.

(No. 14.)

Enclosure 3, in
No. 1.

To His Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieut.-Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

Addresses from
the Provinces to
Lieut. Governor.

WE, the undersigned inhabitants of Peterboro' and its vicinity, beg leave most respectfully to approach your Excellency, with an offer of our sincere thanks for your uncompromising, manly and straightforward conduct since you assumed the administration of the government of this province; we feel from it a most cheering confidence for the future, and earnestly hope that your Excellency may see no cause to alter the course you have so ably struck out for conducting the affairs of the government.

We view with sorrow and disapprobation the vile attempts which have been made to embarrass your Excellency, and again thank you, Sir, for the able and firm manner in which you have met them. We are perfectly willing, and will be at any moment ready to support your Excellency, whenever it is necessary that our energies should be called forth for that purpose.

Number of signatures attached to this Address - - 1,026.

— 2. —

COPY of an ADDRESS to The KING from the ASSEMBLY of *Upper Canada*, with the Appendix of Documents transmitted therewith to the Secretary of State.—
See APPENDIX (H.), p. 69.

To the Honourable the Commons House of Assembly.

Report of Com-
mittee to Commons
House of Assembly.

THE Committee to whom was referred the correspondence between his Excellency the Lieutenant-Governor and the late members of the Executive Council of this province, having examined the various documents referred to them, and having carefully considered the subject discussed in the correspondence, submit the following Report.

The Committee are deeply convinced of the truth of Lord Glenelg's opinion, that "the present is an era of more difficulty and importance than any which has hitherto occurred in the history of this part of His Majesty's dominions;" and not less are they convinced that the difficulty has been increased instead of being diminished since the date of Lord Glenelg's despatch. It is at such a crisis that we are called to the discussion of a question of vital importance to the people of this province, a question which, in the opinion of the Committee, is no less than this: whether we have, as we have been taught to believe, a constitution "the image and transcript of that of Great Britain," or have only a mutilated and degraded constitution.

The increasing dissatisfaction which has been produced by the mal-administration of our provincial affairs, under Lieutenant-Governors Gore, Maitland and Colborne, has been so well known and so general, that even the Colonial Office seems to have been awakened to a sense of the necessity of ameliorating our condition, by holding out the encouraging prospects of relief and reform. To our complaints, too long neglected and unredressed, attention was at length to be paid. Sir John Colborne (with whose measures, maxims and advisers His Majesty's subjects had long been dissatisfied), was removed, and a Lieutenant-Governor was sent out, to administer the affairs of the province in such a way that the people should have reason to be attached to the parent State, from sentiments of affection and gratitude, as well as from principles of duty. As he was a stranger to the province, to its affairs and history, to the wants, sentiments and habits of its inhabitants; and as the measures complained of under Sir John Colborne's administration had been attributed in a great degree, if not altogether, to evil advisers, much anxiety was felt that the new Lieutenant-Governor should call to the Executive Council persons in whose sound constitutional principles, integrity and prudence the country could put confidence. The appointment of Messrs. Dunn, Baldwin and Rolph, therefore, afforded general and lively satisfaction, not unmixed, however, with serious apprehensions that the influence and presence of the old Councillors who were supposed to have advised Sir John Colborne, would embarrass his Excellency and the new Councillors in the pursuit of a more impartial, conciliatory and constitutional system of government. The House and the country were not then aware that this Executive Council had been used as a mere screen for the acts of the Lieutenant-Governor; on the contrary, it was generally understood that they were consulted on the affairs of the province.

That the principles of the British Constitution were not put in practice as it regarded this Council in one respect was well known, and had been the subject of earnest complaint on the part of your honourable House; we allude to the fact that persons had been appointed or continued as Councillors whose political opinions or principles were in opposition to those of the people and their representatives, and in many cases to the express wishes and intentions

tions of His Majesty's Government; as for instance, the contemptuous treatment given to Lord Goderich's despatch, as well as to its noble author. But the country were ignorant how much the affairs of the province had been conducted by the arbitrary will of the Lieutenant-Governor himself, with no other counsel than the secret suggestions and recommendations of unsworn, irresponsible and unknown advisers.

Report of Committee to Commons House of Assembly

Much and justly as the people of this province had been dissatisfied with the condition of our public affairs, they were nevertheless not aware of the extent to which the unconstitutional proceedings of the Lieutenant-Governors of this province had been carried.

Every day, however, discovers new cause of complaint on the one hand, and the contemptuous indifference with which all complaints are regarded on the other.

From the documents referred to the Committee it pretty plainly appears that the Lieutenant-Governor had not consulted the Council at all after the new Councillors were sworn in [See the representations of the Council hereunto appended, marked (A.);] although during the interval between that event and their resignation, three weeks of anxious expectation on the part of the people and their representatives had elapsed, and during that time his Excellency had made various appointments, which he could not make advantageously or properly without information and advice from some one.

His Excellency also refused to give the royal assent to a Bill demanded by justice and humanity, and passed for more than ten years almost unanimously by repeated and different Houses of Assembly, although, during the present winter, Lord Gosford had informed the legislature of Lower Canada that the royal assent would be given by the King in Council to a similar Bill which had been passed by the Parliament of that province, and reserved for the signification of His Majesty's pleasure. Upon this refusal to assent to a Bill which had thus received the sanction and approbation of both Houses of Parliament in Lower Canada, and both Houses of Parliament in Upper Canada, and been approved of by His Majesty's Government, after deliberate consideration, it is plain that the Executive Council had never been consulted, and indeed all the measures subsequently adopted so disappointed expectation, as plainly to indicate either that the Council were not consulted, or that the old members, with the umpirage of the Lieutenant-Governor, predominated.

Your Committee are forced to believe that the appointment of the new Councillors was a deceitful manœuvre to gain credit with the country for liberal feelings and intentions, where none really existed; for it was notorious that his Excellency had really given his confidence to and was acting under the influence of secret and unsworn advisers. Under these circumstances the Council seem to have been led (in conformity, indeed, with a suggestion of his Excellency himself), to examine the nature and extent of their duties under the Constitutional Act, and having discussed the subject with his Excellency personally at the Council Board, they united, ten days afterwards, in an unanimous and respectful representation, in writing, to his Excellency, in which, after adverting to the critical state of public affairs and the general discontent with the past administration, which no one can doubt, they state their views of the Constitutional Act, (31st Geo. 3. c. 31), as it respects the Executive Council, and draw from it the following conclusion:

"*Firstly.*—That there is, according to that statute, an Executive Council.

"*Secondly.*—That they are appointed by the King.

"*Thirdly.*—That they are appointed to advise the King and his representative upon 'the affairs of the province.' No particular affairs are specified; no limitation to any particular time or subject."

They represent, that, according to our constitution, the Lieutenant-Governor should consult the Executive Council upon the affairs of the province generally, and not merely occasionally, although (except in certain cases where their concurrence is by statute expressly required), his Excellency would still be at liberty to reject the advice when given; and they recommend that, with the exception of those matters of so weighty or general a character as not properly to fall under any particular department, and therefore fitted for the deliberation of the Council collectively, the affairs of the province should be distributed into departments, to the heads of which shall be referred such matters as obviously appertain to them respectively.

We have been careful to state the exact propositions of the late Council, as contained in their representation, because it is important to know what are the real points in controversy; and because his Excellency, in various public documents, has given (to use the mildest terms) a very erroneous account of these propositions. He describes them as attempting to divest him of his responsibility, and of his power and patronage, although nothing was proposed by the Council, except that which we have above stated.

Your Honourable House will observe that the late Executive Council, in their representation to his Excellency, have placed their duties upon the most moderate scale. It is merely proposed that the affairs of the province should be submitted for their advice, before the Lieutenant-Governor exercises his own discretionary power upon them; and if the general business were, as recommended, distributed into departments, it would obviously facilitate the reference of any matter by his Excellency for information or advice. Yet this simple proposition, in the opinion of your Committee so reasonable to a candid, and so acceptable to any *well constituted mind*, is repelled by his Excellency with seeming indignation; and the Councillors, in a most arbitrary manner, coerced from their office; and, after their resignation, literally traduced. Upon such official conduct (whatever the station from which it comes), your Committee cannot forbear freely to animadvert; for the country will in vain look for talented and honourable men to fill the public stations, and

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aid the conduct of public affairs, if subjected to ignominy and reproach, without vindication by the representatives of the people, whose highest interests in the King's Councils they have undertaken to serve.

It is therefore with pain your Committee notice, in the conclusion of his Excellency's reply to the late Council [hereto appended, marked (B.)], the discreditable alternative offered them. It appears from Mr. R. Baldwin's letter, that when he and his colleagues accepted the invitation to join the Executive Council, their political principles were made known, and very fully explained to Sir Francis Head; and when jointly waiting upon him more formally, to receive a united invitation, it appears he accepted their services with the avowed retention of the opinions they had hitherto publicly entertained and acted on, even declaring with great apparent frankness and magnanimity, that their seats in the Council would afford them a better opportunity of confidentially presenting and urging their views. With such a latitude professedly given them, it became their duty, in the opinion of your Committee, upon assuming their office, to advise his Excellency upon the affairs of the province, and, in their opinion, as to the constitutional manner in which it might be best administered, in the terms of their oath, "for the good of the King and this province, and for the peace, rest and tranquility of the same." Such is the substance of Mr. Baldwin's manly and honourable letter.

Animated with these loyal and patriotic feelings, and conversant with the condition and expectation of the country, it appears they joined in the representation, dated the 4th of March 1836 [hereto appended, marked (A.)], embodying their united views in a manner unreserved, candid and respectful.

To this representation Sir F. Head sent a reply, also hereto appended [marked (B.)], concluding with the following words: "The Lieutenant-Governor assures the Council, that his estimation of their talents and integrity, as well as his personal regard for them, remain unshaken, and that he is not insensible of the difficulties to which he will be exposed, should they deem it necessary to leave him. At the same time, should they be of opinion that the oath they have taken requires them to retire from his confidence, rather than from the *principles* they have avowed, he begs that, on his account, they will not for a moment hesitate to do so."

It appears to your Committee that, however sensible the Council might be to the honour of being confidential advisers of the King and his representative in this province, and however anxious to avert the embarrassments his Excellency justly apprehended, yet having entered His Majesty's service with known principles, and as a duty communicated them officially, they could not honourably retire from these principles, to which, as their representation testified, they properly attached so much importance and truth. Hence, upon this delicate subject Mr. Baldwin nobly observes [See his Letter in the Appendix, marked (C.)]:

"Having, in the representation alluded to, but reiterated in a more formal manner, in conjunction with my colleagues, under the sanction of the oath (which I had in the mean time taken), the same principles and opinions which his Excellency knew me to entertain previous to his honouring me with a seat in his Council, however desirous I might be of giving my best support to his Excellency's government, or of not hastily abandoning the important duties of my situation, which had been most unwillingly assumed, I could not for a moment hesitate when the alternative presented to me was the abandonment either of my principles or my place."

Your Committee cannot hesitate to remark, that this proposition of Sir Francis Head, in the secret Council Chamber, to retain them in his service if they would retire from their principles, was highly objectionable, derogatory to the honour of the King, and demoralizing to the community.

Among the criminating views urged by his Excellency against the late Council, since the date of the correspondence, will be found a complaint against their concluding prayer, as follows, "that should such a course not be deemed wise or admissible by the Lieutenant-Governor, the Council most respectfully pray that they may be allowed to disabuse the public from a misapprehension of the nature and extent of the duties confided to them."

This request might, in the opinion of your Committee, have been answered by a frank avowal of the alleged intention, "after a few moments more afforded for reflection," to consult them to such an extent as to render their prayer "practically useless;" but being in the strange misapprehension of his Excellency "sworn to be *dumb*," and therefore kept by him religiously mute, from giving him any advice, the late Council appear to your Committee to have had before them only two courses, viz., either to obtain a more cordial and constitutional intercourse with his Excellency, or discreditably to keep up the prevailing public deception respecting their duties. If the Council would have recanted, and kept the *great secret*; viz., that there were *no secrets*—they might, as the reply shows, have dishonourably retained his Excellency's confidence.

But for what honest purpose could it be desired not to deceive the public, who had so long, under a misapprehension of the nature and duties of the Council, directed their reproach against them as the presumed concurrent advisers of misgovernment? If it is *wrong* that the Council should advise upon the "affairs of the province," is it *right* falsely to make the people ascribe to them such duties? Was it criminal, as is pretended, for them to ask leave to communicate to the public, not any particular matter, or their advice upon it, but merely to correct a public misapprehension of the nature and extent of the duties confided to them? Was it generous or just for his Excellency, under the pretence

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of the oath they had taken, to compel the new Councillors to subject themselves unjustly to the same reproach as had been heaped upon the old ones, for supposed acts they had never done, and for supposed advice which had never been asked or given? Was it magnanimous or honourable for a Lieutenant-Governor, who professed to take upon himself all responsibility for all mismanagement of our affairs, to screen himself from censure, by allowing it to be unjustly imputed to a "dumb" "defenceless" Council? Would it not have been more manly to say, "*I am the only responsible person. You shall not be blamed for my acts; therefore disabuse the public, that they may never charge against you what is wholly chargeable against me?*" But, on the contrary, his Excellency condemns them, almost as violators of their oath, for desiring to undeceive the country, and for betraying so much sensitiveness about mere character and reputation, as to undervalue the honour of innocently braving all the odium of his Excellency's unadvised misdoings in his government. This is a species of political gallantry, from which the Council seem humbly to have wished to be relieved; a wish, however, which his Excellency indignantly resents.

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Your Committee are unable to discover, in the conduct of the late Council, any grounds for the reiterated assertion of his Excellency, that they wished to deprive him of his responsibility and patronage.

The responsibility of the Governor should, in the opinion of your Committee, consist, in a great measure, of selecting good Councillors, and acting with their good and rejecting their bad advice. The advice of the Executive Council, given in the terms lately proposed by them, would inform the judgment, but not impair the responsibility of his Excellency.

A jury are not the less responsible for their verdict, because they hear evidence, the counsel and the judge. And to your Committee it seems puerile to urge, that should an Executive Council give advice to a Lieutenant-Governor, he should have no responsibility in acting on it.

The same may be said about the patronage.

This patronage chiefly consists of appointments to all public offices throughout the country; and as his Excellency professes himself to your Honourable House, to be a stranger lately arrived amongst us, unacquainted even with the political differences of the mother country, and, necessarily (as all his successors from England must be) wholly ignorant of this province, it seems rational and prudent, that before making any such appointment to office, he should receive the advice of the Council, in conjunction with whom he could make better inquiries and arrive at safer conclusions than by his own unaided judgment.

When, therefore, his Excellency contends that he will not take advice upon the affairs of the province, because it takes away his responsibility, and that he will not consult the Council about appointments to office, because it will take away his patronage, it practically amounts to a declaration that he will carry on an arbitrary government; not because it is the best calculated to advance the peace and prosperity of the country, but for the selfish purpose of displaying the extent of his power; for it is not pretended that the constitution prevents him from consulting with the Council on all matters, if he was only desirous of doing so.

But the Lieutenant-Governor deliberately declares himself to be responsible for his Council, as well as himself, to His Majesty's Government in England. This kind of responsibility (undeniably existing) we have witnessed in the examples of all preceding Governors; and experience, dearly bought, has proved that liability to a patron in Downing Street, 4,000 miles off, is unavailing for any practical purpose. And even assuming this responsibility to continue, it does not lessen the manifest expediency and wisdom of guarding against even unintentional errors in the conduct of our affairs, by the intervention of sworn advice from Councillors selected by the Lieutenant-Governor himself, for their talents and integrity.

The counsel given would produce here safe and happy government, and instead of destroying responsibility in England, would only lessen the necessity of a frequent appeal to the Throne, and to the British Parliament, for the redress of grievances, even of the most subordinate kind.

Your Committee cannot forbear to notice the Lieutenant-Governor's charge against four of the late Executive Councillors, whom he accuses with "having changed their opinions." Sir Francis Head is the last person who should have promulgated such a reflection against any of the late servants, particularly against those to whom he had introduced gentlemen avowing the opinions, which, it is insinuated, they imbibed. How could they suppose that his Excellency was angrily opposed to the principles he had infused into the Council? But it seems he formed the Council of persons who, he thought, entertained opposite and discordant sentiments; and because, instead of quarrelling and wrangling among themselves, they discovered in their proceedings a happy and useful concord in public business, he dismisses them for their unanimity, and then ungraciously charges one part with holding unconstitutional views, and the other part with being converts to them. And all these attacks are made upon them by his Excellency, who at the same time declares them to be defenceless, "because, being sworn to silence, they are deprived by this fact, as well as by the constitution, of all power to defend themselves." Nevertheless, to your Honourable House, and in answer to popular addresses, he is continually urging constructions and statements against the Council, which ought in fairness, and on every principle of honour, to be allowed to be answered or never to have been made.

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Your Committee feel surprised at the public answer of his Excellency to the address of the city corporation. Your Committee have procured a certified copy of this address and answer from his Excellency's private secretary, which they hereunto annex, marked D., in which he expresses "*astonishment*" that those principles "suddenly appear from a *quarter from which he certainly least expected it*," from the Executive Council itself." It is but just to the late Council to remark, that the announcement of such principles from a Council into which his Excellency had himself knowingly introduced them with Mr. Baldwin and his coadjutors, could not, in "*candour*," be a matter of "*astonishment*;" nor can your Committee consider it done "*suddenly*," after an amicable verbal discussion with him in Council ten days before, or that it could be "*certainly least expected*" from sworn advisers known to him to entertain these principles, and bound by his Excellency's invitation to the frank interchange of opinions, as well as by every obligation of honour and duty, to express them to him. It is therefore plain, that the principles are regarded with "*astonishment*" by his Excellency, when there was no reason to feel it; are denounced as obtruded by the late Council "*suddenly*," after they had been debated for *weeks*; are condemned as emanating from a "*quarter*" into which he had *himself* knowingly introduced them; and are said to have been "*least expected*" from men whom he had *himself* in Council sworn *fearlessly* to advise him according to their honest convictions.

The late Council are charged by his Excellency, in the last-mentioned document, with resting their claims in the appended representation, very nearly on the following grounds: "1st. That the responsibility they assume being a popular one, daily increasing, is consequently the law of the land." And, 2dly. That though the powers they require are nowhere expressed in the Constitutional Act, they were evidently intended to have been inserted."

Your Committee have compared the above professed epitome of the grounds taken by the late Council with the representation itself, from which it is avowedly deduced; and the grounds, thus charged by his Excellency against the Council as assumed by them, are so utterly and so obviously at variance with *candour* as to defy any courteous commentary without injustice to the constitutional question at issue.

In the answer of his Excellency, accompanying the documents between himself and the Council, he states, that "with every desire to consult my Council, I was preparing for their consideration important remedial measures, which I conceived it would be advisable to adopt, and had they but afforded me those few moments for reflection, which from my sudden arrival among you, I fancied I might fairly claim as my due, the question which so *unnecessarily* they have agitated, would have proved practically to be useless."

It is singular that this latent intention of his Excellency is not even hinted in his reply to the Council, but is reserved for disclosure as a means of criminating them after their resignation was effected by the alternative of "abandoning their principles or their place." Considering the relation which ought to exist between a Governor and the Executive Council of the province, it was not, in the opinion of your Committee, dealing ingenuously with them, to take most important steps without their advice or even knowledge; and it must have been a humiliating position for gentlemen, distinguished as his Excellency admits, for "their talents and integrity," to imagine that his Excellency was "preparing important remedial measures," not in dignified and constitutional co-operation with his highly gifted Council, but by the aid of unsworn and irresponsible persons unentitled to confidence. Such conduct did not redeem the pledge to the late Council, upon accepting office, of his "implicit confidence;" and when, after three weeks' merely nominal councillorship, they resign, it is alleged, "had they afforded him a *few moments* for reflection, the question which so *unnecessarily* they have agitated, would have proved practically to be useless." If such is the truth; if it was intended (after a *few moments* for reflection) to consult the late Council to such an extent as to render their representation "practically useless," why did his Excellency require them to "abandon their principles or their place?" Why did he, in his own language, "drag the question into day-light, in order that it might be openly, fairly and constitutionally discussed," when it was his avowed intention shortly to render the agitation of it "practically useless?" Under such a prospect it was inexcusable *misrule* to fill the country with consternation and dismay, upon a matter respecting which he had the *power*, and *professes* to have had the *intention*, to satisfy public expectation; and after importuning the Honourable J. H. Dunn, and R. Baldwin, Esq., under an overwhelming pressure of recent domestic affliction, and Doctor Rolph amidst professional avocations, in voluntary retirement from public life, to join the Council, in order to aid the King's Government, it was most *ungenerous* to almost expel them his Council, merely for offering a suggestion which, after a few moments more reflection, he intended so far to follow as to render their representation "practically useless."

It should be particularly observed that the representation of the late Council was signed by all the Councillors, was the deliberate, unanimous, conscientious opinion of gentlemen of different political parties, of those who had long been in office, and of those who had just been appointed; not as to a mere theoretical question, but as to a question practically affecting their own duties under the constitution of the country; was not a movement to serve any political party, but was calculated to meet the views and wishes of all parties, and that being in writing, his Excellency could take his own time to consider it. Finally, as this was a matter of no ordinary importance, and as the Councillors had delivered their views in writing signed by all (a proper and constitutional proceeding on such great questions in the judgment of the Committee, and certainly the most respectful to his Excellency) it would have been

been no great stretch of courtesy to the unanimous and confidential advice of his Councillors, if, in case he differed from them, he had referred it with his observations to His Majesty's Government, instead of indulging his arbitrary spirit, and requiring them to resign for the mere expression to him in confidence of their sentiments. It may be observed that, without being obliged to concede the principle maintained by him, or to compromise his character or his dignity, he might frankly have consulted them in the meantime of his own accord, on all important matters, and have obtained thereby advice and information which would have been highly useful to him, and which, in fact, he necessarily must seek somewhere. By this means he would have prevented the present excitement, and the discussion which has been forced upon the country of forms of government and fundamental principles of the constitution, a discussion which common prudence will admonish all settled governments to avoid. That he might have consulted them upon all the affairs of the province, even if he was not obliged to do it, there can be no doubt. Such a course, if not enjoined is evidently not forbidden by the constitution, or by the royal instructions, or by any law or authority whatever. It is not borrowed from a republican government or republican institutions, but is a British usage, and according to British principles. It seems, however, from his own declaration, that he was waiting for an opportunity to force this discussion upon the country; or, in his own language, "to drag this new theory into daylight, in order that it might be discussed." The Committee and the House are therefore "dragged" into the discussion of it, not by the Executive Council, not by any factious or party proceeding, but by his Excellency himself, who, it appears, notwithstanding his short arrival in the country, rather courted the discussion of it than otherwise; for it will be observed that he stated in answer to the corporation as follows:—

"Finding that this new theory was rapidly gaining ground, I resolved to offer it no secret opposition, nor in any way to exert my influence to oppose it; but I determined the very first time it should come well within my reach that I would drag it into daylight," &c.

The Committee cannot but remark, that hitherto the Executive Council have sustained the public censures for the misconduct of our affairs, upon which it has always been supposed they have given a concurrent advice, and upon that account past Lieutenant-Governors, as well as the British Government, have sustained their office in dignity, and been treated personally with respect. It is therefore with great concern we learn from various public documents emanating from his Excellency upon this subject, that he desires to relieve the Council from all participation of popular displeasure, inevitable in a country with liberal institutions, and to assume it himself. The representation of the late Council fully expresses the odium which its members had silently endured; and it appears to your Committee repugnant to the British constitution, and inconsistent with the necessary preservation of respect for the Kingly office, to bring his representative into personal collision with the people in every period of excitement, and render him the ostensible person for accusation and complaint. Should such a doctrine prevail, the royal station in the colony will be seriously impaired in its dignity, and be almost unavoidably introduced in parliamentary debate, and become the point upon which will be concentrated every manifestation of popular indignation. If all the odium which has been poured upon the old Executive Council had been charged, as his Excellency proposes, upon the Lieutenant-Governors, their residence would not be tolerable, and their very authority would become weakened or destroyed.

In the conclusions of the late Executive Councillors, the Committee fully concur, and cannot but express their surprise that his Excellency should not be convinced by the clear and unanswerable argument contained in their representation to him. His Excellency, however, in one of his appeals to popular feeling, broadly declares that the Act of 31 Geo. 3, chap. 31, creates no Executive Council, and says, "If any one tells you that it does, read the Act for yourselves."

In humble imitation of this great authority, we affirm confidently, that according to that statute there must be an Executive Council appointed by the King for the affairs of this province, and to any one who is led by the strong assertions of his Excellency to doubt it, we say "Read the Act for yourselves," especially such passages as this [section 34] "together with such Executive Council as shall be appointed by His Majesty for the affairs of such province;" and such passages as this, [section 29] "with the advice of such Executive Council as shall have been appointed by His Majesty, His heirs or successors, within such province for the affairs thereof;" and such passages as this, [section 7] "before such Executive Council as shall have been appointed by His Majesty, his Heirs or successors, within such province for the affairs thereof;" and such passages as this, "as such Governor, Lieutenant-Governor, or person administering the government, shall, with the advice of the said Executive Council, judge to be expedient under the then existing circumstances;" all of which passages are found in the Act. On this subject the Committee refer to the conclusive argument of the Executive Councillors in the communication which seems to have disturbed his Excellency so much amidst his alleged preparation of "important remedial measures," and conclude that, according to the Constitutional Act, there must be an Executive Council; that they are appointed by the King, and that they are appointed to advise upon the affairs of this province generally, and not merely upon particular affairs, or upon particular occasions, are propositions which are demonstrable from the express terms, as well as from the spirit and evident intention of that Act (as has been shown by the late Executive Councillors), and may, moreover, be inferred from the absence of every thing of a contrary import in the Statute.

In other Statutes besides that just referred to, both imperial statutes and provincial Statutes, the Executive Council is noticed, and their duties are alluded to in terms equally comprehensive.

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hensive, [See the Provincial Statute, 34 Geo. 3, chap. 2, sec. 33, and the British Statutes, 6 Geo. 4, chap. 114, sec. 30, and the 7th and 8th Geo. 4, chap. 62, sec. 1.] From these Statutes it will be seen that an Executive Council is "the Council of the Province," "appointed for the affairs thereof," and not his Excellency's Council, or appointed for particular affairs or any particular purpose. They are not, as he says they are, appointed to serve *him*, they are the Council of the province, "appointed for the affairs of the province." The distinction of his Excellency between the Council serving him, and not the people, is calculated to awaken much concern, and seriously impair that identity of interest and purpose which (under the presumption of our enjoying the British Constitution) we always supposed to exist between The King and the People. Indeed it has been a universal belief, founded, as your Committee believe, in unerring principles, that both the Privy Council at home and the Executive Council in this province are the servants of, or instruments for, the dispensing of good government. Any attempt to put up any conflicting interests between The King and the People, by creating a belief, that in serving the Crown, they do not serve the country, is erroneous in theory and mischievous in practice.

His Excellency repeatedly asserts, that no Executive Council was created by the British Act 31 Geo. 3, c. 31, and says, "as regards even its existence, the most liberal construction which can possibly be put upon the said Act, only amounts to this: that as an Executive Council was evidently intended to exist, the remnant of the old one ought not to be deemed totally extinct until its successor was appointed."

In opposition to this sweeping and positive declaration, the Committee must remark, that there was no such thing as "an old Council" of this province; and though there had been a Council created for the affairs of the old Province of Quebec by the British Act, 14 Geo. 3, c. 83, this Council was called a *Legislative Council*, and not an *Executive Council*; and your Committee also deem it worthy of remark, that this Council is spoken of in the same terms in the said 14 Geo. 3, as is the Executive Council of this province in the 31st of the King, viz., "a Council for the Affairs of the Province of Quebec;" and, moreover, the very first clause of 31 Geo. 3, c. 31, repealed so much of the previous Act as in any manner related to the appointment of that *Legislative Council*, or to the power given to them; not "a remnant" of that old Council, therefore, existed; every vestige of it was annihilated, and your Committee are quite perplexed to understand how the *Legislative Council* of Quebec, after its absolute and unconditional repeal, could survive, in even a remnant (as his Excellency says) till its successor was appointed. If this is good reasoning on the part of his Excellency, the *Legislative Council* of Quebec, had no successor been appointed, would be now in operation; and, by similar logic, by rescinding the instructions, his Excellency might undertake to revive it. But the last clause of 31 Geo. 3, c. 31, affords a conclusive answer to all his Excellency's assertions, that an Executive Council was not created by that Act; for it provides, that during the interval between the commencement of that Statute in the province, and the first meeting of the Provincial Legislature, the Lieutenant-Governor, "with the consent of the major part of such Executive Council as shall be appointed for the affairs of the province," may make laws for the government thereof in the same manner as the old *Legislative Council* for the Affairs of the Province of Quebec, could have made ordinances and laws for that province. The Council thus authorized to assist in making laws, were an *Executive Council* not then appointed, but which were to be appointed, and were to be appointed *before the first meeting of the Provincial Parliament*; and were to be appointed, not for that particular purpose only, but "for the affairs of the province" generally. And yet, according to his Excellency's opinion, this Statute did not establish an Executive Council at all; while, in his reply to the late Council, he says, "to enable the Lieutenant-Governor to perform the arduous duties of his office, the constitution has wisely provided him with an Executive Council, competent to supply him with that local knowledge in which he may be deficient, and to whom he may apply for council and advice."

The Committee, without hesitation, affirm, that this Act as much creates or requires the appointment of an Executive Council for the affairs of the province, as it creates or requires the appointment of a Governor, Lieutenant-Governor or person to administer the government of this province. His Excellency, when he is promulgating and defending the novel doctrine, that he is sole minister as well as representative of The King in this province, would do well to consider upon what law his own authority rests before he makes these rash assertions. The official character and authority of a Lieutenant-Governor are no more necessary under the Constitutional Act, or created by it, than is an Executive Council for the affairs of the province; and if the representative of the King can thus attempt, by such bold assertions upon such slight grounds, to explain away an important part of that law, which is the "great charter of our liberties," (from which his Excellency himself, in one of his appeals to the people, tells them, "they should never allow a single letter to be subtracted," (your Committee append the Address and answer which they have received, duly certified by his private secretary, marked E.), your Committee can only hope that his example will have as little weight as his arguments.

It was in a very different spirit and with very different views from Sir Francis Bond Head, that Lieutenant-Governor Simcoe regarded this great charter of our liberties: that great and good man, whose memory is embalmed in the affections and gratitude of the people of this province, was a member of the British Parliament when our Constitutional Act was passed; and having served with distinguished honour in the colonies during the war, which had not long before terminated, and having been acquainted with those brave and loyal people who were about to seek in this province an asylum under British laws and

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British institutions, he was, no doubt, freely consulted about the form of government to be given to them.

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The following extract from Lord Rawdon's observations in the House of Lords, in the discussion on the passage of the 31st of the King, will give an idea of the estimation in which Governor Simcoe was held.

His Lordship said, "that the gentleman whom he had heard was to be honoured with the appointment of Governor, was one of all others the fittest and most to be wished for by the country; his intelligent mind, his generous and liberal manners, his active spirit, and peculiar abilities for that situation, rendered him, in an eminent degree, the properest person that Ministers could have selected for that appointment; and certain he was, that the choice would redound to their honour and credit.

"If Canada was to be governed under the present Bill, it would be well for this country and well for Canada, that Colonel Simcoe was the Governor."

When the British Nation conceded to the United States the right of forming a free government for themselves, after their own choice, it is scarcely credible that they intended to confer a constitution less acceptable upon the loyalists, who had fought, bled and sacrificed their property and homes in defence of the unity of the Empire; and it does seem humiliating to your Committee, after the lapse of half a century, to find a new Lieutenant-Governor drawing so unfavourable a contrast between our local institutions and those from which they were borrowed, as to subject us to his arbitrary government, by superseding the functions of that important branch of the Constitution, called the Executive Council.

The Government of this province was, in fact, the subject of one of the most interesting and memorable debates ever witnessed in the British Parliament; and while Mr. Fox urged the extension of the elective principle in the new constitution farther than it existed in the British Constitution, no one proposed that the form of government should be less popular or less free. Governor Simcoe heard the debates on the subject, and, in fact, took part in them; he was the bearer of the Act to this country; was the first Lieutenant-Governor of the province; and was well qualified, and appears to have been authorized by His Majesty's Government to explain to the people the new constitution which was established for their benefit. This enlightend British statesman and legislator, who certainly knew what the principles of the British Constitution were, on the very opening of the first Session of the first Provincial Parliament, addressed the Legislature from the Throne, and in The King's name, in the following terms:—

"I have summoned you together under the authority of an Act of the Parliament of Great Britain, passed last year, *which has established the British Constitution, and all the forms which secure and maintain it in this distant country.*"

"The wisdom and beneficence of our most gracious Sovereign and the British Parliament have been eminently proved, not only in imparting to us the *same form of government*, but also in securing the benefit, by the many provisions that guard this memorable act; so that the blessings of our invaluable constitution, thus protected and amplified, we may hope will be extended to the remotest posterity.

"The great and momentous trusts and duties which have been committed to the representatives of this province, in a degree infinitely beyond whatever till this period have distinguished any other colony, have originated from the British Nation upon a just consideration of the energy and hazard with which its inhabitants have so conspicuously supported and defended *the British Constitution.*"

Still more striking was the following language used by him, as the King's representative, from the throne, in the speech with which he closed that Session:

"At this juncture I particularly recommend to you to explain, *that this province is singularly blest, not with a mutilated constitution, but with a constitution which has stood the test of experience, and is the very image and transcript of that of Great Britain.*"

Such were the emphatic words of this great and good man. Were they, after all, a mere delusion? an empty-sounding unmeaning, mockery? So they are now regarded by his Excellency, who, in an answer to an Address from the inhabitants of the city of Toronto, declares that it would be *unreasonable* to expect that the people of this province should be *ruined* in vainly attempting to be the "exact image and transcript of the British Constitution," and that "the constitution which his Britannic Majesty George the Third granted to this province, ordained no such *absurdities.*" That this is strong language the Committee admit; but it is language they have read with pain. The "absurdities" in which his Excellency's doctrines have involved him, must be apparent to every one, from this "vain attempt" to depreciate the authority and tarnish the memory of Simcoe, the first and ablest of our Governors, by holding him out, either as being unable, from want of knowledge or discernment, to judge whether our constitution was "an exact image and transcript of that of Great Britain," or as being an artful and unprincipled deceiver, attempting in the name of the King to palm off on a *confiding* and *deserving* people a "*mutilated constitution*," by a mere high sounding flourish of swords. In despite, however, of his Excellency's sneers, this testimony of Governor Simcoe stands recorded on the journals of your Honourable House, a solemn assurance in the name of the King, that his subjects in this province shall have all the blessings of the *British Constitution*, secured and "*amplified*" to them and their children; a pledge that we trust will yet be made good to them, to the disappointment of any Lieutenant-Governor who may *deride* their expectations, and oppose their wishes and constitutional rights.

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Sentiments similar to those of Governor Simcoe have been expressed by succeeding Lieutenant-Governors, and by persons of all classes and creeds who have ever treated on the subject, although some have demurred, that while we were entitled by the 31st of the King to all the blessings of the British Constitution, that while it was held out to us in theory and by profession, it was denied (in some respects) in practice, yet all have agreed that it was guaranteed to us by the Constitution; and those who have heretofore complained of the want of it in practice, have been charged with disaffection, and denounced as demagogues, grievance-mongers and disturbers of the public peace by Lieutenant-Governors and their adherents. The records and public documents of the province are filled with expressions (sometimes explicitly and at other times incidentally mentioned) calculated to impress the belief that we were entitled to the full enjoyment of all the blessings flowing from the Constitution of Great Britain; and what is peculiarly striking is, that amidst all this multitude of witnesses in favour of our right to the British Constitution, with all its blessings and benefits, that not even a hint to the contrary was ever heard from any of them; and it has been reserved for Sir Francis Bond Head, in 1836, to discover that our constitution is different from the British Constitution, and that it would be *foolish* and *ruinous* for us to introduce the British Constitution if we could, and that any attempts to do it would be *vain*. Whatever evils we suffer under our present nondescript constitution, which even Sir Francis admits are so great and oppressive as to require "*important remedial measures*" *without delay*," which "our Sovereign has *ordained*," and "which he is here to execute," we should console ourselves, according to his opinion, with one animating and delightful reflection, namely, we are not, and cannot be *curserd* with the *British Constitution*. According to his doctrine, the Constitutional Act *ordained* no such *absurdities*, and the Royal Instructions were equally *gracious* and careful to protect us from that terrible evil and calamity, the British Constitution.

It has been observed by his Excellency in one of his public expositions, that Simcoe "could not alter the charter committed to his charge," or render it, what his Excellency asserts it is not, the very "image and transcript of the British Constitution."

Your Committee in imitation will say, Neither can Sir Francis Head, by his detractive assertions, impose upon us a "mutilated constitution," nor has he the right to impose upon Upper Canada the arbitrary government of Russia or Constantinople, in place of the genuine transcript of which Simcoe was the bearer. But although Simcoe could not alter the law, and was too great and good a man to do it, yet he never had a successor who had equal pretensions to expound the meaning, elucidate the provisions, and explain the scope of the new constitution. He who fought with U. E. loyalists in the American war and knew the worth and claims of the men for whom the constitution was generously designed; he who sat and spoke in the senate in which the law was passed, who was moreover entrusted with the duty of putting it into operation, and who, from the throne, solemnly declared the magnanimous gift of the British Constitution to those who had been driven by their loyalty to seek an asylum under it, was surely better and more competent authority respecting that law and constitution, than a gentleman nearly half a century afterwards, who cannot see that the law creates an Executive Council, but can see the vestige of a Legislative Council surviving its absolute repeal, until a successor was appointed; and that "in government, *impartiality* is better than *knowledge*." The Instructions, indeed, are in his eyes an *important document*; for, according to his Excellency's views, the Executive Council was regularly constituted and declared in "*the King's Instructions*," and of course could not have existed before it was so constituted. A quotation is made by his Excellency from these Instructions from which he argues, that the Council are only to be consulted occasionally. A copy of these Instructions has been furnished to your Honourable House by the Lieutenant-Governor; your Committee found with surprise not only that his Excellency had given a *garbled* extract in his quotation, but also that these Instructions "*in which an Executive Council was constituted and declared*," according to his Excellency's opinion, were actually dated in 1818! The Executive Council of this province was, therefore, in his Excellency's opinion, regularly constituted and declared in 1818!

Upon reference to the whole of these Instructions, however, it will be found they are not less liberal and comprehensive than the Constitutional Act, had they been *honourably* interpreted and acted upon. Your Committee deem it important that the Instructions which have been so long kept in secret should be made public, especially as they seem to be viewed by his Excellency to be of as much, if not of more, importance than the Constitutional Act, and therefore beg to append them to this Report, marked F.

By section 8, as quoted by his Excellency, it was declared, "that *to the end* that our said Executive Council may be assisting to you in *all affairs* relating to our service, you are to communicate to them such and so many of our Instructions, wherein their advice is mentioned to be requisite, and likewise all such others from time to time as you shall find convenient for our service to be imparted to them."

Upon an examination of the Instructions themselves, it appears that this is a *garbled* extract; for in the instructions the words are, "You are to communicate such and so many of these our Instructions," &c. Your Committee cannot but notice that the omission was calculated to favour the inference which his Excellency was wishing to draw. From this extract it appears that the Executive Council was to be *assisting* to the Lieutenant-Governor "in *all affairs* relating to the King's service," an expression which his Excellency, in doctrine and practice, has construed to mean "a *few affairs* relating to the King's service."

As the Council were to be assisting "*in all affairs*," the communication to them of the Instructions, or any part of them, could not be intended to limit a duty, already so largely and

and expressly prescribed, especially as the communication was to be made, "*to the end, that they may be assisting in all affairs,*" but was merely to give the Council such and so many of the King's Instructions as were necessary to enable them effectually to advise upon those affairs respecting which the King had in His Instructions imparted His precise pleasure; for without such a communication of the Instructions, the Council might, from ignorance of them, adopt a course unintentionally opposite to them. It appears, therefore, to your Committee, that even according to the Instructions so *illiberally* and *unfairly* construed by his Excellency against our just rights, the Executive Council were generously intended by His Majesty's Government to advise upon "*all affairs,*" and that the instructions were communicated merely to enable them to do it.

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The oath taken by the Executive Councillors (of which a copy, hereunto annexed, duly certified in the Appendix, marked G.) is equally comprehensive. It is the same as the Privy Councillor's oath. Your Committee would ask, does not the Privy Councillor's oath prescribe his duties?—Are there any important duties incumbent on him which he is not sworn to fulfil? The oath being the same, the Executive Councillors are therefore bound by their oath to perform the same duties that the Privy Councillors (including His Majesty's Cabinet Councillors) are bound by their oath to discharge. His Excellency, nevertheless, in one of the communications which he has made to the people of Toronto, and which was plainly intended for *popular effect*, says, that it is, in his *judgment*, "*an oath of non-responsibility to the people*; so that, according to his Excellency's views, *His Majesty's Cabinet Councillors are sworn not to be responsible to the people!*" It may be worth while to notice for a moment the resemblance between the Executive Council and His Majesty's Privy Council: both are appointed by the King, and both are removable at pleasure. The members of both are indefinite; the King may increase or diminish them at His pleasure. Privy Councillors are appointed without any commission, merely by nomination and taking the oath of office; so are Executive Councillors. In some cases the King is required by express enactment to do certain acts "*with the advice of the Privy Council,*" that is, not contrary to their advice; in like manner the Lieutenant-Governor is expressly required in some cases to act only "*with the advice and consent of the Executive Council.*" The Privy Council is appointed for the affairs of the Kingdom; the Executive Council is appointed for the affairs of the Province. The oath of office of the Executive Councillors is copied from that of the Privy Councillors; so that the former are sworn to perform the same duties as the latter.

Finally, the King is no more bound by any express law to consult the Privy Council on all affairs of his Government, than the Lieutenant-Governor is bound by express law to consult the Executive Council on all affairs of his government: neither is the King any more forbidden to act without advice or upon the suggestions of secret and irresponsible advisers in the government of his kingdom, than the Lieutenant-Governor is forbidden to govern the province upon like advice. And his constitutional advisers, the members of the Privy Council, are no more responsible for the advice they give to him, than the members of the Executive Council are responsible for the advice given by them to the Lieutenant-Governor.

Where, then, is the difference between the Privy Council in the United Kingdom and the Executive Council here? Is not the advice of such a council as necessary for the Lieutenant-Governor as it would be for the King, if he were here? Is the *representative* of sovereignty so much *wiser* and *better* than the Sovereign *himself*; so much more thoroughly acquainted with the affairs of the country in which he is a stranger to its history, and to the habits and opinions, interests and sentiments of the people, than the King is acquainted with the people among whom he was born and educated? Has the Lieutenant-Governor, who expects after a few years to leave us, and whose future prospects and hopes, as well as past associations, give him a personal interest in a distant land, so much more at stake in the welfare of this country, than His Majesty has in the prosperity and happiness and affection of His people, and in the honour and dignity of His Crown? In short, do history and experience teach us that a Lieutenant-Governor, at a distance of more than 4,000 miles from his superiors, is so much more immaculate and infallible than his Royal Master; that he does not require the same councils which the constitution considers, and which an experiment of ages proves to be necessary for the King himself?

Even his Excellency admits that His Majesty should, according to the constitution, be surrounded by advisers responsible to the country, and that the King must consult them in *all* the affairs of the Kingdom.

There is not an argument in support of the necessity of such a system that is not equally, if not more, applicable to this colony, where the relative weight and influence of the popular branch upon the government is so small compared with those of the similar body in the parent country.

That the affairs of the Kingdom should be conducted by the King, with the advice of known and responsible Councillors, is not a rule or proposition laid down in any statute, but is a principle that is an essential part of our constitution, and if that part is destroyed, the constitution is materially changed; it is no longer the British Constitution. This principle therefore has been established by the necessity of the cases; and the same necessity upon which it rests in the mother country exists here.

Your Committee will admit that this principle (in practice) has been hitherto disregarded in the government of this province, and what sort of government have we had? In what condition has it put us? Let the records of your Honourable House, the statements of Executive Councillors of different political opinions, the King's Instructions to Sir Francis

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Bond Head, and his own admissions answer. It has brought us (according to the Instructions) to "an era" of "great difficulty and importance;" and we find even Sir Francis Bond Head addressing the people in the following terms: "The *grievances* of this province *must be corrected*—*impartial justice must be administered*: the *people* have asked for it—their *Sovereign* has *ordained* it; I am here to execute his *gracious commands*—delay will only increase *impatience*. Those, however, who have long lived upon agitation, already too clearly see their danger; and with surprising alacrity, they are now taking every possible measure to prevent me from rooting up the tree of abuse, because they have built and feathered their nests in its branches."

Without remarking upon his Excellency's style, the Committee would observe, that in the estimation of the Lieutenant-Governor himself, the abuses of the government have become so extensive and deeply rooted, that agitators can actually live upon the exposure of them; although, how he would have been prevented from rooting up this tree of abuse, by receiving the advice and assistance of the council, the Committee are at a loss to perceive.

It is to perpetuate and defend the system that has produced such effects, that his Excellency exerts all the energies of his mind, and all the power and influence of his high office and exalted station. It is to this system that his Excellency has avowed such an ardent and unalterable attachment.

That a Lieutenant-Governor should secretly countenance and cherish a system which leaves him entirely unchecked in the exercise of almost unlimited power, for which he is virtually irresponsible, is not surprising; and more than one Lieutenant-Governor, no doubt, while professing to maintain amongst us the principles of the British Constitution, has secretly adopted this unconstitutional system, because it extended his power, and enabled him to indulge his arbitrary will; but that his Excellency, at the very moment he admits and expatiates upon the abuses and grievances which it has produced, should announce his determination to continue it, and should gravely declare that the people of this province would be *ruined*, if they attempted to secure to themselves "*the very image and transcript of the British Constitution*," and that such a Constitution "would be productive of the most vicious effects," is indeed astonishing.

The views of your honourable House on the right and necessity of a responsible government, and of our provincial administration being conducted on the principles of the British Constitution, have been more than once clearly and fully expressed, sometimes to His Majesty, and sometimes to the Lieutenant-Governor; sometimes directly, and at others indirectly, as reference to your Journals will amply show; but in the Address to His Majesty, during the last Session [which address is hereto appended, marked (H.)], this principle was again urged; and further, a distinct, but respectful intimation was also made, that the House would enforce their rights, by the constitutional method of withholding the supplies for the support of the government.

The following Extracts from the Evidence of James Stuart, esq., late Attorney General of Lower Canada, before a Committee of the House of Commons, 21st June 1834, afford the opinion of an able lawyer, thoroughly conversant with colonial government:—

Question 1152. The Executive Council of late have practically had very little to do with the government of the colony?—*Answer.* It ought to have a great deal more to do with it. The insignificance to which it has been reduced, I conceive to have been the cause of much mischief in the colony.

Q. 1153. You consider it of utility to have a permanent administration?—*A.* I consider it should be placed on the footing of the Privy Council in this country, and consulted by the Governor on all important occasions.

To the following question, put by the same Committee in England to Sir James Kempt, he gave the following answer:—

Q. 134. If there was no Executive Council, and the Governor were left to govern without any such Council, would it, in your opinion, remove very much of the state of irritable feeling existing between this part of the Legislature and the King's Government in the colony?—*A.* I have not given my attention sufficiently to this question to be able to answer it; but my impression is, that an Executive Council is necessary for the good government of a colony.

The Right honourable E. G. Stanley, a Member of the Imperial Parliament, and lately His Majesty's Principal Secretary of State for the Colonies, who also spent some time in this province, thus expresses himself respecting the Executive Council, in a letter addressed to Dr. W. W. Baldwin—[The autograph letter is among the records of your honourable House]—"I do, however, think that something might be done with great advantage, to give a *really responsible character to the Executive Council*, which at present is a perfectly anomalous body, hardly recognised by the Constitution, and effective chiefly as a source of patronage."

Mr. Stanley also says,—

"The remedy is not one of *enactment*, but of *practice*, and the constitutional mode is open to the people of addressing for the removal of the advisers of the Governor, and refusing supplies, if necessary, to enforce their wishes."

It will be observed that Mr. Stanley says, "the *remedy* is not one of enactment, but of practice;" that is, the Constitutional Act is sufficient in enactments for every thing required;

required; all that is necessary is, that the provisions of the Constitution should be honestly put in practice.

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While his Excellency declares that the Executive Council have no responsibilities, and are not recognised by the 31st Geo. 3, c. 31, Sir John Colborne, in a message to your honourable House, on the 20th February 1835, in terms almost directly contradicting the puerile views of his successor, states, "That the *responsibilities* under which the Executive Council discharge their important and confidential duty, depend upon the *principles of our Constitution*, and upon the *law of the land*."

The public documents and records of the province abound with expressions proceeding from Lieutenant-Governor Sir Peregrine Maitland, recognising in the fullest manner the possession, by the people in this province, of the *British Constitution*.

Your Committee beg to give the following as a specimen, in answer to John Hurston and others, in the Newcastle district, published in the Official Gazette of March 2d, 1826:—"That I may rely on your steady and cordial support in maintaining that *unrivalled constitution*, of which the excellence has been proved by the *experience of ages*, and which those who can best appreciate it, as you do, will ever be found ready to vindicate and defend."

Again, in another reply of the same date,—

"You set, gentlemen, a just value on your *possession* of a *constitution*, the *most perfect in the world*; and it is no small satisfaction to me to reflect, that with the vivid recollection which you retain of *its blessings*, in the happy country you have left, your firm and loyal support will never be wanting," &c.

Your Committee would affirm, that the *principles* of our constitution, as well as the law of the land, alike require their advice to be given "upon the affairs of the province."

Your Committee have appended to their Report [see Appendix, marked (I.)], the Address passed in the last Session of the late Parliament (with the yeas and nays), to His Majesty, against the interminable interference from Downing-street in the management of our local affairs, which should be conducted by the Lieutenant-Governor and the Executive Council, in harmony with the Provincial Legislature. Although the late Parliament differed from the present in its views and policy, yet it was unanimous in the adoption of the above remonstrance. These views are corroborated by J. Stephen, esq., late Counsel to the Colonial department, and now, it is said, Under Secretary of State for the same. In his examination by the Canada Company of 1828, he was asked, "Is it your opinion, that upon all those questions, complicated as they are with regard to the tenure and transmission of property, the Colonial Legislature, with the advantages of their local knowledge, are much more competent to decide than the British Legislature?"

To which he answered:—

"I cannot suppose any man at all conversant with the subject hesitating respecting the answer to that question; except there be a well-founded distrust of the disposition of the Colonial Legislature to do right, no plausible reason can, I think, be suggested for taking this work out of their hands. They are incomparably better qualified for it than you can be. What should we think of the Canadian Assembly passing Acts for the improvement of the law of real property and conveyancing in this country! Yet, I suppose, they understand our system of tenures at least as well as we do theirs."

Now it must be presumed that Mr. Stephen, whose views against the unconstitutional interference of the British Parliament with the appropriate duties of our local Legislature, are so liberal and enlightened, would be equally opposed to any usurpation of the duties of the Executive Council; for assuredly resident gentlemen, selected by his Excellency at pleasure for their talents, integrity and public estimation, are "incomparably better qualified for it" than distant strangers, with even the best intentions. It is enough for them in Downing-street to attend to the matters reserved in the 31st Geo. 3, respecting Navigation and Commerce.

These views of the sufficiency of our own institutions, and the expediency of making them subservient, as they were intended, to the purposes of our local concerns (with the sole exception of those special matters, expressly reserved, by the 31st Geo. 3, for the paramount authority of the parent State), are confirmed by the evidence of the Right hon. Edward Ellice, a Member of the British House of Commons. In giving evidence before the Committee of 1828, he was asked, "You have said that your application was referred to the consideration of the Executive Council; of whom does the Executive Council consist?" to which question he answered, "The Council consist of the Chief Justice and other persons, whose duty it is to advise the Governor with respect to the administration of the country."

The same distinguished person, alluding to some difficulties he had experienced in obtaining some change of tenure in property he holds in Canada, says, "It arose probably from a very general cause of difficulty in that country—a dread on the part of the local authorities to act upon their own responsibility, complaining of defective instructions from home; and this, aggravated by perpetual reference backwards and forwards from the Government to the Colonial Secretary, in the hope that they might at last agree upon the means of executing the provisions of the law."

This transatlantic system, popularly called *Downing-street law*, to distinguish it from the free and constitutional operation of our local Government, is further condemned by the same statesman in the following illustrations collected from his evidence before the same Committee.

Report of Com- Alluding to the imposition in Canada, by the British Government, of customs duties, he
mittee to Commons says, "I am aware that the greatest possible objections exist in principle to their doing so;
House of Assembly. but I am also aware that, in point of fact, they have got over those objections, and by the
Canada Trade Act have imposed duties to an extent quite equal to the expense of the
civil government of both provinces, without consulting either of the Provincial Legis-
latures.

"The Canada Trade Act, for this purpose, had been passed three years before the arrangement with the Canada Company."

Again—"Certainly the Canadians complain with apparent reason of some part of the conduct of Government. An English receiver is appointed, insufficient securities being taken in England: the Assembly suggest the regulation of his office, and subsequently, I understand, Bills were sent up in the terms of a Bill passed in other colonies for this purpose: they are told this is an encroachment on the prerogative of the Crown, and their Bills are rejected. The receiver had previously failed in debt to the public about 100,000*l.*; and when they say, 'As you made the appointment yourselves,' took your securities in England, and rejected our advice, it is fair you should pay the defalcation, Government insist upon their laying fresh taxes on their constituents for it. In the same manner they allege they have sent up Bills for the regulation of the office of sheriff; that these also were rejected, and two following sheriffs have failed; the one a defaulter of suitors' money to the extent of 27,000*l.*, and another for a less amount. These are not theoretical, they are practical evils, and form just grounds of complaint."

Again—"The Governor was instructed to supply the want of an Appropriation Bill by his own warrants on the receivers, to whom the taxes are paid under the provisions of the Canada Trade Act; but it would be difficult to find out by what law such instructions are sanctioned. This has been the course of proceeding from 1822 to 1828, and it is much to be deplored that Government should have persevered so long in measures which, however much they may plead the excuse of pressing emergency in the first instance, were illegal and offensive to the rights and feelings of the people. If no remedy was obtainable in Canada, an appeal should have been sooner made to Parliament, and that sore should not have been allowed to fester till the English and the French population have been almost brought into collision, and a wider separation between them in opinion and all matters of internal government and legislation been rather encouraged than checked. Assembly after Assembly have been called together, in which the local authorities have wisely persevered in attempts to carry their measures by a minority at no time exceeding 10, and seldom half that number, in a body of 50 representatives. And the Committee must always recollect the continuance of these dissensions has inflamed trivial differences on immaterial points at first into serious additional causes of difference and misunderstanding, which it is not easy now to foresee the means of allaying or removing."

Again—"I wish to add, that in any thing that may have fallen from me in the course of these examinations, I have not had the least intention of imputing blame to any persons connected with the Executive Government in either province. I believe they have acted under instructions from this country, and that the difficulties they have had to contend with, and the discussions in which they have been involved with the Colonial Legislatures, were the inevitable consequences of a determination to persevere in the system of government I have described to the Committee, and which could scarcely have been avoided while that system remained unreformed and unimproved." And to the following question, "Do you conceive it would be possible to form a representation upon the principle of admitting some of the great towns as independent bodies into a confederation, such as exists in the north of Germany?" To which he answered, "I am afraid it is too late to attempt the introduction of new principles of that kind in America. You must either improve the *system* that exists on the model of our *institutions* at home, or copy from the simple forms in practice in the United States. No other method will be congenial to the habits of the English or American *inhabitants of Canada*."

The political condition of Lower Canada, as above depicted by the Right hon. Edward Ellice, is too applicable to our own country. "It is with grief," as a Resolution of your honourable House has expressed it, "the country has seen the improvident contract under which the Huron tract of a million of acres of choice lands has been assumed to be given, at an almost nominal value, to a Company in London; while the annual instalment paid by them is expended by the Provincial Executive without the consent of Parliament, and the large amount realized by the Company from sales at a very advanced price, are withdrawn from the colony, and transmitted to England. This improvident transaction, unsanctioned by any domestic enactment, ought to be held invalid, particularly as it was a transaction based in no degree upon the good of the Colony, whose lands are thus wastefully assigned. The Charter and all the Statutes connected with it are a violation of the 18th Geo. 3, and our Constitutional Act."

The law passed by the British Government for the sale of our clergy reserves, is a further illustration of the system of government over us by a Lieutenant Governor, in unchecked connexion with Downing-street. Under this law, enacted by the British Parliament without our knowledge or consent, more than 60,000*l.* have been raised by the sale of clergy reserves, abstracted from the country, and paid into the military chest, instead of being applied to the purposes of education and internal improvement. In a subsequent part of this Report, this subject will be again adverted to; but at present your Committee simply mention the fact, and also that within a short period 57 rectories have been erected and endowed. The British Act, it is presumed, inserted the condition "by and with the advice
and

and consent of the Executive Council" as a security to the country against any abuse of the power it gave; but such a precaution is of no practical avail with an insufficient Executive Council; and it is plain that the above-mentioned outrage upon the whole community could not have occurred had we enjoyed what is sought for and denied, a well-constituted Executive Council possessing the confidence of the country.

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Now it has been simply proposed, adopting Mr. Ellice's views, to improve our system here, on the model of the institutions in England, by proposing that the Executive Council shall advise the Lieutenant-Governor on our affairs as freely as His Majesty's Council advises the King; but the industrious classes are told by his Excellency that "the wish, if gratified, would be ruinous," and that the 31st Geo. 3. "has ordained no such absurdities."

In giving an aggregate account of the opinion entertained upon the constitutional duties of the Executive Council, by the most thinking men of all political parties, your Committee, although desirous of abridging their Report as much as possible, will not omit to notice a document from Lower Canada, which is headed a "Declaration of the causes which led to the formation of the Constitutional Association of Quebec, and of the objects for which it has been formed," in which we meet with the following pertinent remarks:

"In every well-regulated government it is essential that the executive authority should be aided by the advice of able and well-informed individuals, acting together and in a body, by which sound discretion, uniformity, consistency and system are imparted to its measures. Among Colonial Governments, which are generally administered by persons labouring under the disadvantages of a deficiency of local information, assistance of this nature is *indispensable* for the attainment of the ends of *good government*. *This body of advisers ought to be found in the Executive Council of the province*; but its members are too few in number, and its composition too defective to answer the purposes of its institution." Under the foregoing view, it will be observed that the association contemplate, by constitutional means "to obtain such a composition of the Executive Council as may impart to it the efficiency and weight which it ought to possess."

The above Quebec "Association" is not composed of the Reformers in Lower Canada, with whom Mr. Speaker Papineau's name is usually connected (although the Reformers there entertain the same views), but of gentlemen of wealth and influence, known by the name of Constitutionalists or Conservators, directly opposed to that party. It is therefore the testimony of persons avowedly determined to sustain the constitution against any of the modifications held by the other party to be necessary and expedient.

Your Committee would here subjoin the following all-important and liberal views of policy, expressed by the Canada Committee of the House of Commons, in the year 1828, arising from a thorough understanding of the state and wants of these Colonies, set forth in the voluminous and unquestionable testimony of persons best conversant with the subjects of the Committee's inquiry:

"Your Committee lament that the late period of the session in which they were appointed, has rendered a minute investigation into all parts of the subject submitted to their inquiry impossible. They believe too that if the legislative assemblies and the *Executive Government* of Canada be put on a *right footing*, that means will be found within the province of remedying all minor grievances. They are disposed, nevertheless, to recommend that the prayer of the Lower Canadians for permission to appoint an agent in the same manner as agents are appointed by other colonies which possess local legislatures, should be granted, and that a similar privilege should be extended to Upper Canada, if that colony should desire it.

"At an early period of their investigation, your Committee perceived that their attention must be directed to two distinct branches of inquiry: First, to what degree the embarrassments and discontents which have long prevailed in the Canadas, have arisen from defects in the *system of laws and the constitutions established in these colonies*. Second, how far those evils were to be attributed to the *manner* in which the *existing system* has been *administered*."

"Your Committee have clearly expressed their opinion that serious defects were to be found in that *system*, and have ventured to suggest several alterations that have appeared to them to be necessary or convenient. They also fully admit that from these, as well as from other circumstances, the task of government in these colonies (and especially in the Lower Province) has not been an easy one; but they feel it their duty to express their opinion that it is to the *second* of the *causes* alluded to that these *embarrassments and discontents* are in a *great measure* to be traced. They are most *anxious* to record their *complete conviction* that *neither the suggestions they have presumed to make, nor any other improvements in the laws and constitutions* of the Canadas, will be attended with the desired effect, unless an *impartial, conciliatory and constitutional system of government* be observed in these loyal and important colonies."

The remedy here proposed as an antidote to the evils existing in the government of the Canadas, emanates from a spirit breathing forth the purest patriotism, the result of a thorough understanding of all the bearings of the subject-matter of inquiry, and is at once an appeal to the best feelings of our nature.

Had there existed any defects in the system of our laws and constitution, the Committee would at once have recommended an amendment or revision of them; but aware that nothing was wanting but an open, ingenuous and equitable administration of those

statutes,

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statutes, they are brought to the only plain and obvious conclusion that could be attained.

All colonial ministers, since the date of that Report, have professed an intention to be guided by its recommendations; the famous Despatch of Lord Goderich, of 8th November 1832, is professedly based upon it, and *his present Excellency has it pointed out to him as one of his text books.*

It is to your Committee passing strange that, notwithstanding the above Report is held forth to us, sanctioned by such authority, a temerity of conduct, bordering on a recklessness of consequences, should be allowed by its noble possessor to give cause for suspicion and distrust towards the intentions of His Majesty's Government. Had his Excellency, instead of the course he has been pleased to pursue, been implicitly guided by the recommendations contained in the above extract, he had then established confidence, and an assurance of equitable administration; but when, instead of which, he has taunted the province upon its infant condition, and appears, in the illustrations he has given, to have had in his mind's eye the fable of the young frog and the ox, what assurance have we, that governed in the "manner" we are, we shall ever arise from our present degraded condition?

And your Committee are led to the conclusion, from a careful observation of things, that the policy apparently intended to be pursued by the present head of our government and that of Rehoboam, as recorded in the 12th chapter of the First Book of Kings, to be very similar.

The Executive Council therefore are established by law, under constitutional responsibilities, to advise "upon the affairs of the province," and to be assisting to the Lieutenant Governor "in all affairs relating to the King's service;" and in favour of this proposition we have, in whole or in part, the concurrent testimony against his Excellency of the above overwhelming authorities, viz.—

1. The Constitutional Act.
2. Various British and Provincial Statutes referring to and recognizing the Executive Council of the province "appointed for the affairs of the province."
3. Governor Simcoe, and succeeding governors.
4. The Royal Instructions.
5. The Privy Councillor's Oath.
6. The general resemblance between His Majesty's Privy Council and the Executive Council of this province.
7. The nature and genius of our government, and the general principles of the Constitution.
8. The House of Assembly.
9. James Stuart, Esq.
10. Sir James Kempt.
11. The Right Honourable Lord Stanley.
12. His Excellency Sir P. Maitland.
13. His Excellency Sir John Colborne.
14. The late Executive Councillors.
15. The Report of the Canada Committee of 1828.
16. The Right Honourable Edward Ellice.
17. T. Stephen, Esq., late Counsel to the Colonial Office.
18. The Quebec Association.
19. The absence of any express provision of law or authority forbidding it.
20. The universal admission of all classes, parties, creeds and orders from 1792 until the arrival among us of Sir F. B. Head.
21. Lieutenant-Governor Hunter.
22. The debates in the British Parliament on the passage of 31st of the King.

In reference to the objection of His Excellency that "it must be evident to every *well-constituted mind*, that in an infant state of society it would be impossible *practically* to secure a sufficient number of impartial persons to effect a change of ministry as often as it might be necessary for the interests of the people to do so," (by the above, it will be observed that his Excellency, as in many other instances, has abandoned the constitutional object, and is endeavouring to sustain his positions on the principle of expediency) your Committee would state, that on general principles, the interests of the people could only require the removal of a council when there were other and better persons ready to fill their places; and until such other and better persons could be found, it is evident neither the people nor their interests would require or look for a change.

The moral and intellectual resources of this country are suited to its wants, and notwithstanding his Excellency's sneers, would lose nothing by a comparison with any other country; and in the opinion of your Committee it would be even easier to form councils from among the inhabitants of this province, adequate to its exigencies, than in England itself, for the vaster affairs of the empire. A really great man in this country would soon find the means to organize our institutions for the practical purposes of good government and peace of society.

Your Committee deny the pretended all-sufficiency of the Governor's liability to impeachment for mismanagement of our affairs, for the following reasons:

- 1st. Because, although such impeachment might be a punishment for maladministration after it was done, yet it affords no daily check or guard against it by means of advice or caution:

caution; and it seems to your Committee that the impeachment should at most be only resorted to after a Governor had acted wrong, with every local means afforded him to do what was right.

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2d. Because the impeachment or complaint must be made by the injured person at a great distance, requiring a delay, expense and watchfulness, out of the reach of the power or means of the sufferer, who (if belonging to "the industrious classes,") might make out in writing a very informal or insufficient case, however clear its merits, or be unable to retain counsel and agents here and in England to conduct his suit. Limitation to such a remedy would practically be a denial of justice.

3d. Because the complaint would be made to a Minister in Downing Street, who is the patron of the Governor accused; and besides, the Governor has numerous friends on the spot to exercise every influence and interest in his behalf.

The weight of this reason is increased by the difficulty of proving any act to have been done from corrupt motives. Even if a presumptive case could be made out against a governor, it would be contended that a clear and positive one must be established before the consequences of impeachment could be visited on the accused; and how very many acts of misgovernment there are, in their nature vexatious and injurious, against which it would be difficult to fix the charge of corrupt motive, while it was palliated, evaded or explained away as an error of judgment, the deceptive assurances of others, a misapprehension of circumstances, a mistaken policy, or the like. For instance, it would be in vain to proceed against the executive authorities for the erection (as hereinafter mentioned) of 57 rectories, and certain corrupt exchanges of lands, although opposed to the well-known sentiments and interests of a vast majority of the religious community. It would be equally vain to attempt to institute such proceedings for many appointments to office, as Surveyor-General, Colonels of Militia, the Commissioners of the Courts of Requests and other offices. It would therefore obviously place the country in a desperate condition, if the *only hope of preventing wrong being done*, was founded on an institution of an impeachment for it *after it was done*, before a patron of the wrong-doer, 4,000 miles off, defended by a person intrenched in power here, and sustained at home by family connexions, and the preservation of what is called *the Colonial system*. The House of Assembly of Lower Canada instituted a complaint of this nature against Lord Aylmer in a most solemn manner, and with great unanimity, for most arbitrary and unconstitutional misgovernment; but it only ended in his promotion to a higher post of honour. Although therefore an impeachment might be resorted to in extreme cases, yet it by no means supersedes the necessity of all local and constitutional checks, calculated to prevent cause for so difficult, painful and undesirable a course. This precaution against the occurrence of evil, instead of merely contriving how it can be punished by impeachment 4,000 miles off, is the more needed from the fact that this impeachment would yield no redress to the persons injured, even if it punished the persons injuring them. If all our local governors were impeached, and all their estates confiscated, it would not repair the injuries of the most notorious nature; besides thousands of just complaints murmured only in secret, and either endured with patience, because the remedy proposed would be worse than the injury, or because, what is notoriously true, to prefer a complaint, however just, against a governor, ensures a black mark against his name as a troublesome, a factious, or undeserving man, whose future hopes are blasted, and his oppressions multiplied at every favourable opportunity, in various ways, that elude all proof and conviction. What could be done to redeem the injustice against Gourlay, Willis, the late Robert Randal, Francis Collins, and others? And if an insufficient blustering pretender to learning should be made a Judge, and an innocent person be convicted thereby and executed, he could not by impeachment be restored to life. Your Committee therefore desire again to reiterate their conviction that this alleged liability to impeachment for misgovernment, was never intended, and ought not, to supply the place of an efficient state of these institutions, wisely provided by law, not to punish but to prevent wrong; a course as desirable for the parent State as for the Colony; and although his Excellency has been pleased to state to the citizens, in answer to their address, his unwillingness to be deprived of "the only consolation which supports any honest man in an arduous duty, viz. the reflection that he is ready to atone for every error he commits, and that he is subject to arraignment if he offends; yet this consideration, either as a motive or a remedy, is so false in morals and so puerile in political affairs, as not to need further commentary. No better guard against both corrupt and unintentional misgovernment can be devised with our present constitution, than an efficient Executive Council, composed of persons of established character, to advise the Lieutenant-Governor upon public affairs.

4th. Because there are such changes of Colonial Ministers, that there might be half a dozen in succession before a suit could be conducted to a conclusion; and the justice done by one Minister is often undone by another. For instance, in Lower Canada, Mr. Gale, who gave such evidence before the Canada Committee of 1828 as to oblige the Right Honourable Mr. Spring Rice to pronounce him unfit for any office of trust, was appointed a Judge by Governor-General Aylmer, whose active partisan he had been.

When the news of this appointment reached England in the autumn of 1834, Mr. Rice had become Colonial Secretary, who addressed a despatch to Lord Aylmer, saying he could not confirm Mr. Gale's appointment. Mr. Rice was soon succeeded by Lord Aberdeen; and therefore Lord Aylmer, disregarding the commands of Ex-minister Rice, and the known sentiments of the people and their representatives, procured from the successor of Mr. Rice a confirmation of Mr. Gale's appointment, who is still on the Lower Canada

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Bench, although Mr. Spring Rice, on the 9th March 1835, being again in power, in a speech in the House of Commons, reiterated the denunciation of Mr. Gale as an improper person to occupy that station.

Your Committee find the same doing by one Minister and undoing by another, in the affairs of our own province, which is unhappily misgoverned by the same policy under the same Constitutional Act; for instance, the late Attorney-General and Solicitor-General were dismissed from office, according to Lord Goderich's despatch, because they opposed the avowed policy of His Majesty's Government in making certain concessions to the wants and wishes of the people; nor did his Lordship seem at all to notice the personal indignity they had audaciously offered to himself even as a Minister of the Crown; but no sooner was Lord Goderich succeeded by Lord Stanley, than the decision of the former in favour of the rights and liberties of the people, was by the latter cancelled, and the Solicitor-General put back again into office, to the great dissatisfaction of the country, and the Attorney-General sent as Chief Justice to Newfoundland to create new scenes of trouble and dissension there.

5th. Because when, in the year 1831, His Majesty suggested a further provision for the Civil List, which the Colonial Minister required to be made *for seven years or for the life of the King*, the terms of the proposition were not candidly submitted to the House of Assembly, but were suppressed for the purpose of securing a *keen bargain*; and for his boasted adroitness in managing it, his late Excellency was officially commended. This undue and impolitic concealment, so unworthy a great and magnanimous government, was practised with the aid of executive influence to carry a measure injurious to the constitutional liberties of the people; but the uselessness of any complaint against a government for such unworthy policy is apparent when we see, as in this case, that such liberal instructions are violated, and the mischief accomplished with impunity, although it merits disgrace.

Your Committee cannot, therefore, regard as satisfactory our mere nominal right to appeals to Downing Street, where the justest decisions in favour of our rights by one Minister, are with seeming indifference and impunity reversed by another.

6th. Because this pretended responsibility to Downing Street has been in full operation for nearly half a century, and we have therefore against its sufficiency the uniform testimony afforded by our misgovernment during nearly the whole of that period.

By this system we have been stript of the public lands and resources, and reduced to our present condition, and having thus suffered in the past, we cannot look for better in the future, if we submit to a continuance of the same system as has brought such a visitation upon us.

7th. Because although his Excellency professes to be responsible to Downing Street for the Executive Council as well as for himself, yet it is, according to his Excellency, "unreasonable that one man should have to bear another person's blame."

The professed responsibility of his Excellency for the acts of the Council, in case of default on their part, is novel indeed. Your Committee can understand well enough how the adviser becomes responsible for the acts of the advised; but how the actor can become responsible for the advice on which the act was founded, is beyond their comprehension.

A comparison of our constitution with that of the parent State justifies the language used by Simcoe respecting it. In England they have a King; in Canada we have his representative. In England they have a House of Lords created by the King; in Canada we have as a substitute a Legislative Council created by the King. In England they have a House of Commons elected by the people; in Canada we have a House of Assembly elected by the people. In England the King has a Privy Council to advise him upon the affairs of the empire; in Canada he has an Executive Council to advise him and his representative upon the affairs of the province.

This is emphatically the "very image and transcript of the British Constitution." But it becomes a mutilated constitution, and a sorry one indeed, when Sir Francis Head obliterates the Executive Council, or makes it, in his own language, "mute," "defenceless," "irresponsible," "sworn to be dumb." That the King, Lords and Commons, and Cabinet Council perform certain acts in England that are not authorized to be done by the Lieutenant-Governor, Legislative Council, and House of Assembly and the Executive Council of the province, your Committee do not deny; for instance, the Parliament of Great Britain legislate for the empire, and for the regulation of trade and commerce, &c. with other nations, and the Cabinet Council advise the King relative to the negotiations going on abroad, as well as for the welfare of the local affairs of the kingdom, and the appointment of certain high and important offices; while in Canada the legislative duties of the Parliament are more of a local nature; and so with the matters to be advised and consulted by the Executive Council, it must be clear that it no more follows, because the Executive Council are not to be advised on precisely the same matters that pass under the revision of the Cabinet Council, that they are not to advise at all, than it follows that the legislature here are not to legislate on any matter because they are not allowed to legislate on all, or precisely the same matters that are considered in the British Parliament.

It will be observed that his Excellency allows that "if the Lieutenant-Governor stood in the place of the Sovereign," an Executive Council, or some such body, would be "evidently necessary, and should be appointed," with whom he should advise; he further states, that "this is not the case," but that "the Lieutenant-Governor is therefore the responsible minister of the colony," if, as his Excellency says, he is the responsible minister of the colony, "it must be evident to every well-constituted mind" (on the principle of a responsible Ministry in England) that he ought ere this to have retired from his office, for nothing

is more clear than that he does not possess the confidence of the people's representatives. The responsible minister in England would be disgraced by attempting to continue in office for one single day after losing the confidence of the House of Commons; so if he be merely a Minister, he does not do as other ministers do; but it is beyond contradiction that he is something more than a minister. Whoever heard of a minister in England doing and performing the acts that the Lieutenant-Governor is authorized to do and perform here, both by the 31st of the King and the Royal Instructions? By reference to the Instructions it will be observed that the Government of the Province is spoken of as the Government under the Lieutenant-Governor no less than five times; in section 9, the words "*in your Government*" are used; in section 45, the words "*throughout your Government*" are used; in section 62, speaking of both provinces, the words "*their respective Governments*" are used; section 63 is as follows: "And you are upon all occasions to send to us by one of our Principal Secretaries of State, a particular account of all your proceedings, and of the condition of affairs *within your Government.*"

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The above most surely supposes discretionary power in the administration of the affairs of the province, for if nothing was to be done but what was contained in instructions sent out from home, there would be no use of transmitting a particular account of proceedings, as they would know for months before they could be performed; but the 59th section is quite conclusive on the point, and goes clearly to show that the Lieutenant-Governor is something more than a mere minister, and which clause ought in common fairness to have been quoted by his Excellency with those he did quote in answer to the Council. By it, then, his Excellency, *with the advice of the Executive Council*, may take order, do and perform all such matters and things as are for the peace, welfare and prosperity of the country; in short, may even *declare and commence war*. It is as follows: "If anything shall happen which may be of advantage or security to our province *under your Government*, which is not here contained (or by your commission provided for), we do hereby *allow* unto you, with the *advice and consent* of our said Executive Council, to take order for the present therein."

It will be observed that no minister is even authorized to do what his Excellency may do; he calls together the Parliament, and opens and closes it with a most gracious speech from the throne; he prorogues or dissolves Parliament; he gives the Royal Assent to Bills, by which they become laws; he appoints to and dismisses from various offices; no petition or remonstrance is received and acted upon by the King (not even from the House of Assembly) except transmitted through him; he may even declare and commence war.

Your Committee will not believe that any one possessing "a well-constituted mind," will deny that he stands in need of the best advice possible to be obtained, to enable him "impartially" to perform all those duties, and which the Constitution has wisely provided.

It was recommended, as a remedy for prevailing and increasing grievances, that the Executive Council should be allowed to advise the Lieutenant-Governor upon public affairs before he acted on them; and this might be hoped to be a remedy, because if good advice were given, it would (it must be presumed) be adopted; and if bad advice were given, it would be rejected or corrected. This doctrine is pronounced by his Excellency to be so unconstitutional, vicious and theoretical, as to prevent his retaining the late Council in his confidence, unless they retired from such principles. Your Committee, in giving a free and frank report upon this important question, are obliged to express their belief, that his Excellency was not so much shocked at the doctrine, as he was averse to its practical bearing against his own arbitrary pleasure; and they have come to that conclusion for the following reasons:—

1st. Because his Excellency compares his late Council to "a sterling fund, upon which he can constitutionally draw whenever embarrassment requires it."

The objection, therefore, is not made so much against having councillors, as against taking their counsel till *driven by embarrassment to do so*; of which embarrassment he claims to be the sole judge; although it does seem to your Committee inexpedient and unreasonable that his Excellency should pursue his own unadvised pleasure in every thing in government that is gracious, acceptable and popular, and only bring his Executive Council into the field whenever the pursuit of such unadvised pleasure has produced embarrassment, odium or difficulty.

2d. Because the Lieutenant-Governor admits, that "to enable him to perform the arduous duties of his office, the Constitution has wisely provided him with an Executive Council, competent to supply him with that local knowledge in which he may be deficient, and to whom he may apply for counsel and advice." Thus he admits the wisdom of the institution, and the purposes for which it was provided; but he avowedly wishes to make an experiment (at the expense of the country) of the extent to which he can carry on his government without their aid.

3d. Because he admits "the advantage of such a Council to a Lieutenant-Governor is so self-evident, that he must be weak and self-sufficient indeed who does not continually have recourse to it."

Thus the advantage is fully admitted; but his obvious repugnance is against availing himself of that advantage oftener than he may please; and with his late Council, for the three weeks they were in office, *he did not please to do it at all*; he admits the advantage of such a help, but he repels the proposition to receive it before "embarrassment requires it," when it might be too late to remedy the evil.

4th. Because he admits that the Executive Council "strengthens his judgment;" but he betrays repugnance against the proposition to strengthen his judgment when he happens to

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think it strong enough without it, or to confer dignity on his proceedings when he thinks them dignified enough without it; but he wishes the strength to be reserved until embarrassment requires it.

5th. Because he states that the Executive Council should constitutionally "serve him (the Lieutenant-Governor), not them" (the people).

But the repugnance betrayed is against being served by them in the public affairs until he thinks "embarrassment requires it."

6th. Because he had promised his late Council "to treat them with implicit confidence;" but his repugnance is against its being so *implicit* as to be received upon public affairs before "embarrassment requires it."

7th. Because his Excellency mentions the willing approval by the late Council of the very first suggestion he made to them, namely, "that no important business should be commenced in Council until they, as well as the Lieutenant-Governor, had become mutually acquainted with their respective duties." Thus, important business, it is admitted, was to be commenced, but the complaint is that it was commenced too soon, viz. "before embarrassment requires it."

8th. Because in his answer to the citizens he says, respecting the present Executive Council, "I shall consult them as unreservedly, as I had promised to consult those who have just resigned."

Thus it appears he had promised to consult them *unreservedly*, but he claims the *reservation* to consult them only at his pleasure, viz. "when embarrassment requires it."

9th. Because his Excellency asks the citizens, "Why then should my Council, whose valuable advice (if it were not forced upon me) I should be most anxious to receive, be required to demand of me my responsibility?" Thus it appears that the objection is not against a Council, but against their advice being "forced upon him," when he thinks he needs it not; viz. before "embarrassment requires it."

From all which your Committee are obliged to report their belief, that his Excellency was not so much shocked at the doctrine of the late Council, as he was averse to its practical bearing against his own unadvised arbitrary pleasure, to draw upon their sterling fund only when "embarrassment requires it."

His Excellency, in his reply, objects to the views of the late Council, because "it would be evidently unjust towards him that he should be liable to impeachment for any acts but his own." But in the representation of the late Council, furnished your Honourable House by his Excellency, there is nothing which places things on such a foundation; they merely proposed to give advice upon public affairs preparatory to his Excellency's discretionary action upon those affairs. The acts of his Excellency would not be the less his own because he received good advice before acting; nor would he, under such advice, be less liable to impeachment, while he certainly would be less likely to deserve or incur it.

Your Committee regret to notice in his Excellency's answer to the city corporation, that he charges them with "begging leave to name for him other individuals for the station" (the Executive Council), because when so exalted a public functionary as the representative of His most Gracious Majesty is betrayed into misquotations or misrepresentations, manifestly not justified by the document from which they are professed to be taken with candour and truth, it is calculated to impair the weight and dignity of the high station, and induce by its pernicious example a laxity on such subjects in the public morals; for it is plain the City Council in their Address (in the Appendix marked D.) name no individuals, but leave his Excellency in the free exercise of the Royal prerogative to select any suitable Councilors from the province at large.

In the same public document his Excellency further remarks, "The members of the late Council rest their claims very nearly on the following grounds, that the responsibility they assume, being a popular opinion daily increasing, is consequently the law of the land; and, secondly, that though the powers they require are nowhere expressed in the Constitutional Act, they were evidently intended to have been inserted." Your Committee are obliged to report that the above extract, given as the grounds assumed by the late Council in their representation, is neither candid nor warranted by facts.

The late Council plainly deduce their duties from the 31st Geo. 3, even without reference to the less desired, but not less forcible principles of constitutional right and civil liberty. How then can they be truly said to make the law of the land the consequence of popular opinion, or that their powers were only intended to be inserted in the statute, when they quote the statute in which the powers are actually inserted?

In the answer to the citizens of Toronto, his Excellency says, "With respect to my late Council, I regret, quite as much as you can do, their resignation; but before they took the oath of secrecy (which appears to my judgment to be an oath of non-responsibility to the people) I addressed to them a note which clearly forewarned them, as follows:—'*I shall rely on your giving me your unbiassed opinion on all subjects respecting which I may feel it advisable to require it.*'"

Your Committee here notice, 1st, an alleged regret, 2nd, an alleged arrangement.

It seems impossible to reconcile this alleged regret on the part of his Excellency at their resignation with his own act obliging them to resign. The late Council were called upon "to retire from his confidence" if they did not "retire from their principles;" but they *could not retire from their principles*, and were therefore obliged *to retire from his confidence*. To present to the late Council a dishonourable condition upon which to remain in the King's service, and then allege regret at their declining that condition, by tendering their resignation, obliges your Committee to report their belief, either that his Excellency really felt no such

such regret as is alleged, or that he did not feel the repugnance honourably expressed by Mr. Baldwin "to the abandonment of principles for the sake of place."

2d. There is an alleged arrangement. Now your Committee cannot but notice a want of candour in this matter. The terms "on all subjects respecting which I may feel it advisable to require it" (advice), are obviously indefinite, and could not, your Committee think, have been anticipated by any to mean "*no advice at all.*" If his Excellency intended the above as a mental reservation, enabling him to convert his Council into ciphers or mutes, he should not have coupled it with expressions implying the reverse; for in the letter from which this alleged arrangement is deducted, his Excellency assures them of his "implicit confidence." But it appears to your Committee that the circumstance of adding three new councillors, with the assurance to them of his "implicit confidence," amounted to an arrangement, a declaration of an intention to advise with them freely. "Implicit confidence" cannot be manifested by placing none; and when his Excellency's letter to Mr. Baldwin was publicly read by a Member in both Houses of Parliament, no one construed it to mean an arrangement not to consult the Council at all. Instead, therefore, of admitting that the late Council, as alleged by his Excellency, "altogether in a body disputed the arrangement," your Committee consider that they had rather cause to complain that the arrangement was broken by him; for the detention of them three weeks unconsulted in the Council in the most urgent season of business, was a palpable violation of the promise to repose "implicit confidence."

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In his reply to the same address he adds, "I shall consult them (the new Council) as *unreservedly* as I had promised to consult those who have just resigned." This language shows that "he had promised unreservedly to consult his late Council," and such the public universally understood to be the case. But as his Excellency accepted the services of the late Council, and "with pleasure" promised to give them his "implicit confidence" and to "consult them unreservedly," your Committee notice with pain the inconsistency of such declarations with the attempt to criminate the late Council by misrepresenting them as having first voluntarily entered into an opposite arrangement, and then altogether in a body disputed it.

Your Committee addressed a letter on the subject to Mr. Robert Baldwin and Dr. Rolph, both of whom they have also examined. (See Appendix marked F.)

From the letter and evidence your Committee collect that no "such arrangement" as is alleged by his Excellency to have been "since disputed" ever was made, ("to give advice only when required"); that no such "forewarning" was given them, or professed to be given, or expressed, or implied; but on the contrary, that the Councillors were told that his Excellency's doors were open for them to give advice on any subject at any time, that the letter now construed by his Excellency into such a limitation, was not the same in words or substance as the one arranged and promised to be given; that *although it is dated the day before the Councillors were sworn in, it was not delivered till afterwards*, when the changed features of the letter appear to have struck with surprise the persons to whom it was addressed, and which letter, from motives of delicacy explained in the evidence, was not returned, as its disingenuous application was not anticipated.

That the proposition out of which the letter grew *was not made till the negotiation was over*, and the three new Councillors attended, by previous desire of his Excellency, to receive formal united invitation, and that *it then originated not with his Excellency, but with Mr. Baldwin.*

The statement, therefore, of his Excellency, appears in the same discreditable light, as the discrepancy between his denial to your Honourable House of any agreement between any members of the present Council respecting the contingent administration of the government in case of the Lieutenant-Governor's death or absence from the province, and the admission of the facts so denied by two of his present Councillors, Robert B. Sullivan, Esq. and the Honourable Captain Baldwin. Indeed it is, if possible, worse, because the mistake is intended to criminate the late Council after their dismissal.

Your Committee feel bound to notice one other of his Excellency's *reasons*, by which he attempts to show that we would be ruined if we had the image and transcript of the British Constitution imparted to us. His Excellency, when replying to the citizens of Toronto, asks with apparent triumph, "supposing it were to be argued that four-fifths of the members of your House of Assembly ought immediately to be dismissed, because, in proportion to the population of Great Britain and Ireland, there exists five times as many members here as in the English House of Commons, would you not think it very irrational that this *noble but thinly peopled* colony should be made the exact image and transcript of the British Constitution merely because Colonel Simcoe happened to use these words," &c. Without remarking on the strange idea of his Excellency making the people of a colony into a constitution, your Committee beg merely to give an extract from the remarks of Lord Grenville in the House of Lords in the discussion on the passage of the Act 31st Geo. 3, as a reply to the remarks of his Excellency, and the application:

"They did not mean to give Canada exactly the same Constitution, as for instance, 558 representatives. That was impossible in the nature of things; but their great object had been to adhere as nearly as possible to the purity and principles of the English Constitution in every part of the Bill."

His Lordship also said, "It was undoubtedly a mistake to suppose that any government was free only as it approached to democratic principles. Absolute monarchy, absolute aristocracy, absolute democracy, had, in the history of mankind, been tried in the scale of experience, and had been found wanting. Our own Constitution, which was compounded

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of these three, was the first in the world, and the envy of every surrounding nation. It was for that reason that they were now about to communicate the blessings of the English Constitution to the subjects of Canada, because they were fully convinced that it was the best in the world. The Legislature of Canada consisted of three parts, representing that of this country."

It is said in the reply, that "in government, impartiality is better than knowledge, and it must be evident to every well-constituted mind, that in an infant state of society, it would be impossible practically to secure a sufficient number of impartial persons to effect a change of ministry as often as it might be necessary for the interests of the people to do so."

Upon the truth of this maxim, "in government impartiality is better than knowledge," your Committee forbear to offer any extended comment; but they cannot conceal their disgust at the offensive manner in which it is applied against the moral character of the people of this province. He appears to your Committee to have assumed the government with most unhappy prejudices against the country; for he alleges, certainly with very limited means of personal observation, that there is a lack of "*impartial persons*" to form a new Council on any occasional change; and your Committee lament to hear that his Excellency is surrounded by, and gives his credulous ear to, irresponsible and unworthy advisers, who poison his mind against the moral and intellectual merits of the people he is appointed to govern. In his reply to the address of the citizens, he expresses his estimate of the knowledge and taste of the public by condescending to "plainer and more homely language" (and both plain and homely enough it is); but besides thus reflecting upon Canadian understandings, his Excellency further impeaches their good morals, by declaring there are not "*impartial persons*" enough in the country to enable him to seek adequate changes in the Council. It thus goes to England with the highest official authority, that this is little better than a country of *rogues and fools*. In Canada his Excellency, with the temerity of a stranger and the assurance of an old inhabitant, presumes to testify that there is not a sufficient number with heads and hearts yielding knowledge of impartiality to aid the good management of our own local and internal affairs. Should the history of this colony be ever collected from the secret despatches in Downing Street (of which we have had frequent specimens), posterity will form a very erroneous and unjust estimate of the talent and virtues in the country; low indeed are we placed in the scale of human nature.

While engaged in preparing this Report, the attention of the Committee has been suddenly called to the documents referred to them on the 4th of April, respecting the erection and endowment of parsonages throughout the province, and the exchanges of different portions of the clergy reserves for other property, (which are hereto appended, marked P.)

From these documents it appears, that, within the past year fifty-seven rectories or parsonages, "according to the establishment of the Church of England," have been constituted in this province by the Government under the Great Seal of the province, and have been endowed out of the clergy reserves, in each case varying in general from 400 to 800 acres of highly valuable land, chiefly in old townships, and in some cases within towns.

To these rectories or parsonages ministers have been or are to be presented, as are their successors in future, by the Government, and they are, according to the thirty-ninth clause of the Constitutional Act, "to hold and enjoy the same and all rights, profits and emoluments thereunto belonging or granted, as fully and amply, and in the same manner, and on the same terms and conditions, and liable to the performance of the same duties, as the incumbent of a parsonage or rectory in England;" and the next clause of the Act provides for the exercise of "spiritual and ecclesiastical jurisdiction and authority," "according to the laws and canons of the Church of England;" under which clause of course Ecclesiastical Courts will be established, as no others can fully exercise such "spiritual and ecclesiastical jurisdiction."

Upon an examination of the instruments by which these rectories or parsonages are constituted, it appears that power is reserved to the Government of "hereafter erecting and constituting one or more parsonages or rectories" within the respective townships in which they are now by these instruments constituted.

According to the Act, the Government may endow these parsonages "from time to time;" so that if the bold experiment succeeds which is now attempted, we may expect that the present parsonages will receive further endowments, and that the number of these parsonages will be multiplied amongst us beyond all present calculation.

It further appears that different clergymen of the Church of England have received from the Government, in exchange for their own private property, large quantities of the clergy reserves; for instance, the Rev. James Cogan surrenders 36 acres of lands in the township of Hope, with a messuage or dwelling-house, and receives in exchange 1,020 acres, 400 of which are in the township of Hope, 300 in Cavan, 100 in Emily, and 220 in Seymour.

The Rev. Benjamin Cronyn surrenders four acres of land, with a dwelling-house, outhouses, offices and buildings, and receives in exchange 1,892 acres, of which 1,396 are situate in the township of London, and the remainder in Nissouri.

The Rev. Francis Evans surrenders 50 acres of a clergy reserve, and 50 acres in Woodhouse, without any house or building, and he receives 800 acres in Walpole.

The Rev. Philip Meyerhoffer surrenders the rear part of Lot No. 17, in the fifth concession of Markham, containing 70 acres, without any house or building, and he receives Lot No. 19, in the same concession of the same township, containing 200 acres.

All

All comment upon such transactions is superfluous. But most astonishing of all, Rear-Admiral Vansittart has been permitted to share in these good things for the benefit of the church, and has received in exchange for a house, two acres and two lots of land in Blandford, and 26 acres in Oxford East ; 3,690 acres of valuable land !

The land thus conveyed to them in exchange becomes their own property, and will not belong to their successors.

And all these endowments, and all these grants in exchange for messuages and lots of land, are in addition to the large regular allowance that is annually paid to them by the government out of public moneys of the province, without the knowledge or consent of the people and their representatives !

Thus, in one year, in contempt of all our humble remonstrances and earnest protestations against Church Establishments and Government patronage of religious bodies, *fifty-seven Government Parsons* have been established in this province, and endowed out of the clergy reserves, established and endowed under the Great Seal to give it peculiar solemnity, and if possible to make it irrevocable.

In this way has the Government opened a new source of political influence and power, and not only established a State Church amongst us, with "spiritual and ecclesiastical jurisdiction and authority," but a State Church of which the Government is the universal and sole patron, having the exclusive right of making the presentations or appointments of the ministers of these different parsonages.

It is with difficulty that the Committee suppress the strong feelings of disgust, indignation and astonishment, which these practices and proceedings of the Government are calculated to excite.

Year after year have the people of this province, and their representatives, been straining every nerve to procure the appropriation of the clergy reserves to some useful public purposes, in which all His Majesty's subjects might impartially and equally participate. Year after year have they solemnly and indignantly protested against the establishment of any State Church in this province. The people, from one end of the province to the other, again and again have petitioned the Provincial Parliament, the King, and the Imperial Parliament on the subject. These petitions proceeded not only from the people indiscriminately and repeatedly, but also from different public bodies. The explicit and distinct representation on this subject of the Methodist Conference, in 1831, in their Address to His Majesty, cannot be forgotten, inasmuch as it produced a most offensive reply from Sir John Colborne, which caused much excitement and dissatisfaction at the time ; and inasmuch as the observations contained in the Address on the subjects of applying public funds to the support of religious bodies or teachers, and of appropriating the clergy reserves to purposes of general interest, were distinguished for wisdom and truth.

And so late as 1832, petitions were transmitted to England, expressing similar sentiments on these subjects, subscribed by more than 18,000 of His Majesty's subjects in this province. In fact, all parties and all denominations on this matter have been agreed, and have so remained, with a unanimity and perseverance that is really surprising.

Equally decided and uniform have been the exertions of your Honourable House to effect the same object ; and this has been the case, not only when one party prevailed, but also when its opponent had the ascendancy. They have repeatedly addressed His Majesty ; they have also repeatedly exercised the powers given to them by the Constitutional Act, to repeal those parts of it which relate to the appropriation of the clergy reserves ; although these bills, like many others ardently desired by the country, have been contemptuously rejected in the Legislative Council. So numerous and urgent have been these representations to His Majesty's Government, that the appearance, at least, of a favourable disposition on this subject was at length obtained from the Cabinet Minister.

In 1832, the House of Assembly were informed by his Excellency Sir John Colborne, in a message, dated 25th January 1832, that he had His Majesty's commands to make to it the following communication :

" The representations which have at different times been made to His Majesty and His Royal Predecessors, of the prejudice sustained by His faithful subjects in this province, from the appropriation of the clergy reserves, have engaged His Majesty's most attentive consideration.

" His Majesty has, with no less anxiety, considered how far such an appropriation of territory is conducive either to the temporal welfare of the ministers of religion in this province, or to their spiritual influence. Bound no less by his personal feelings than by the sacred obligations of that station to which Providence has called him to watch over the interests of all the Protestant churches within his dominions, His Majesty could never consent to abandon those interests, with a view to any objects of temporary and apparent expediency.

" It has, therefore, been with peculiar satisfaction, that, in the result of his inquiries into this subject, His Majesty has found that the changes sought for by so large a proportion of the inhabitants of this province, may be carried into effect without sacrificing the just claims of the Established Churches of England and Scotland. The waste lands, which have been set apart as a provision for the clergy of those venerable bodies, have hitherto yielded no disposable revenue. The period at which they might reasonably be expected to become more productive is still remote.

" His Majesty has solid grounds for entertaining the hope that, before the arrival of that period, it may be found practicable to afford the clergy of those churches such a reasonable

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and

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and moderate provision as may be necessary for enabling them properly to discharge their sacred functions.

"His Majesty, therefore, *invites* the House of Assembly of Upper Canada to consider how the powers given to the provincial Legislature, by the Constitutional Act, to vary or repeal this part of its provisions, can be called into exercise most advantageously for the spiritual and temporal interests of His Majesty's faithful subjects in this province."

Surely this was a pledge of no ordinary solemnity on the part of the Government not to proceed in opposition to representations which had at different times been made to His Majesty "by so large a proportion of the inhabitants of this province."

To establish and endow these rectories, in opposition to these representations, was as flagrant a violation of good faith as can well be imagined.

In Lord Glenelg's Instructions to his Excellency, it is distinctly intimated, that the disposal and appropriation of the clergy reserves are to be left, for the present at least, to the Legislature of the province. Under these circumstances, how can the proceedings of the Government in the formation and endowment of these rectories, and the exchange of lands (evidently a system of jobs) be reconciled with a decent regard to good faith and justice, to the interests of the province, or to the well-known and often declared wishes of the people? The reflections which such a question suggests are painful and mortifying.

Measures most deeply affecting the peace and happiness of the people, their opinions and feelings, are adopted, not only without their consent, but in opposition to their known and unanimous wishes. To continue our complaints seems equally wearisome and useless.

Lord Glenelg declares, in his Instructions to his Excellency, that "Parliamentary legislation on any subject of exclusively internal concern, in any British colony possessing a representative assembly, is, as a general rule, unconstitutional; and that to withdraw from the Canadian to the Imperial Legislature the question respecting the clergy reserves, would be an infringement on that cardinal principle of colonial government which forbids parliamentary interference, except in submission to an evident and well-established necessity."

These are the professions of the Government, but what has been its conduct?

In 1827, an Act was passed by the Imperial Parliament, without even a pretended necessity, and without the consent or knowledge of the people of this province, or their representatives, authorizing the sale of a part of the clergy reserves in this province (not exceeding one-fourth), and withdrawing from the Canadian to the Imperial Legislature the question respecting the application of these funds to other purposes than their original object, such as the support of education, &c.

The same Act also authorizes the Government to accept in exchange for any part of the clergy reserves, from any person, any lands of equal value.

Under this Act *more than sixty-one thousand pounds*, abstracted from the small amount in circulation, to repay the hard-earnings of the people of this province, have been raised by the sale of land, and *paid into the military chest*, over and above all the expenses of selling the lands, &c., as appears from the official statement of the Hon. Peter Robinson, the Commissioner appointed by the Crown for these sales; an evil so great and palpable, that it was foreseen and pointed out by the Right Hon. Edward Ellice in 1828, who, in his examination before the Committee of the House of Commons on the Affairs of Canada, after describing the general and deep feeling which exists in this province, about the appropriation of these reserves, says, "Surely the framers of that Act must have overlooked the additional objection of draining, from the small capital of the country, any part of it for this invidious purpose."

Notwithstanding this caution, and although the law was a plain infringement of the principles of our constitution, recognised and admitted by them, the present *Ministry* are acting upon it, not only in selling these services, and "draining from the small capital of the country for this invidious purpose, annually," a large sum, but also in making these exchanges.

What practical commentary is this upon the professions of a Colonial Secretary! Did the writer of Lord Glenelg's Instructions suppose that the people of this province were destitute of common sense and discernment?

The whole of the transactions to which we have adverted, respecting the clergy reserves, and the erection and endowment of parsonages, prove the necessity of having a responsible Government, and illustrate the importance of the great constitutional principles, for which the people and their representatives for a long time, and the Executive Council more recently, have been contending.

Your Committee have deemed it proper to notice this matter in the Report, as being a true commentary on the effect and working of the system heretofore acted upon, and now clung to by his Excellency, as if his very existence depended upon it, and who unblushingly declares, that without that system we are ruined. Now your Committee would ask, will any man pretend to say, that the endowing these parsonages was in accordance with the feelings, wishes and interests of the people, or will they pretend to say that our Executive Council, possessing the confidence, and having an identity of interest with the great body of the people, would have advised such a step? A few seasons more of as favourable picking, and the remaining clergy reserves in the province will not be worth the asking, let alone contending for.

Until

Until the representative of the King in this province shall be surrounded by advisers sharing the views and possessing the confidence of the people, and their representatives, and shall freely and candidly and cordially consult them upon the affairs of the province, we must expect the same evils and the same grievances which have only increased from year to year, amidst the complaints of the people and the promises and professions of the administration. The necessity of insisting upon a constitutional and responsible government must be apparent to every candid man.

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Your Honourable House lately addressed his Excellency on the subject of a supposed understanding or arrangement between two or more of the Members of the present Executive Council, as to the administration of the government in the event of his Excellency's death, which Address and Answer are hereto appended, marked (K.); in which answer his Excellency was pleased to intimate rather indignantly, that he knew of no such agreement, and in fact that no document of such a nature existed. The Hon. Robert Baldwin Sullivan, the presiding Member of the Executive Council, and the Hon. Captain Baldwin, however, informed the committee, as will appear by the minutes of their evidence, marked (L.), hereto appended, that a paper had been signed, whereby Mr. Sullivan had declared his intention, in the event of his Excellency's death, not to administer the government, although by the Royal Instructions, in such a case, the administration would devolve upon him, as presiding Councillor; but to resign his office, in order to avoid the administration of the government, *and that this paper was not only in existence, but was drawn up by his Excellency himself* in the Council Chamber, signed and delivered to Mr. Allan (the next senior member), in the presence of his Excellency and the whole Council.

The respect which your Committee feel for his Excellency's high office, forbids their dwelling upon the mortifying subject of the contradiction between his Excellency's answer and those gentlemen's testimony; and they will only say, that it must of course destroy all confidence in future in his Excellency's assertions, especially as his Excellency retains Mr. Sullivan as his principal and confidential adviser, notwithstanding the evidence so given by him.

Neither do they think it necessary to dwell upon this arrangement, to bargain away, contrary to the Royal Instructions, the future government of this province; for such it evidently was, notwithstanding Mr. Sullivan's attempt and natural anxiety to explain it away; an arrangement as unconstitutional and delusive as could have been proposed; for, in the event of Sir Francis B. Head's death, the government would necessarily devolve on the presiding councillor, and he could not have resigned to any one but His Majesty. To resign to his inferior would have been "a new theory." Neither could he have released himself from the government by refusing to take the oath of office. The Committee observe that such an oath is not required by the 31st of the King or the King's Instructions, and at all events the power to administer the government, in the event of his Excellency's death, does not depend on it, for if it did, we might be for a time without a government; and if one could decline taking an oath, all might, and we might in such an alternative be left without a government. An arrangement so inconsistent with the rights and honour of the Crown, and with the safety and protection of the people, was probably never before thought of in a British colony, and is a striking evidence of the strange notions entertained by his Excellency and the present Council about our constitution.

In some of the old colonies, the people chose their own governors, but never before was a successor to a governor then living chosen by the Council; that very Council who, in his Excellency's estimation, is such a mere cipher, such a mute and irresponsible body.

To obtain a fuller elucidation of this humiliating subject, your Committee were desirous of obtaining the further evidence of the Honourable Messrs. Allan and Elmsley, and although the Legislative Council, in compliance with the Address of your Honourable House, granted permission to these honourable gentlemen to attend your Committee, yet they have refused to do so, under excuse of some informality in addressing them; although in an executive matter, so materially affecting their characters as councillors, your Committee had hoped all minor considerations would have been discarded. But Mr. Sullivan's statement needs no confirmation, and the participation of the others in this singular and unconstitutional proceeding remains uncontradicted, with an opportunity afforded them, if innocent, of exculpation. This conduct justifies, in point of fact, the declaration by your Honourable House of an entire want of confidence in the present Executive Council, communicated by address to His Excellency. It is to your Committee a matter of profound regret that when his Excellency was surrounded by the late Council, with every means of conducting his administration in a manner efficient and satisfactory, calculated to allay all existing discontent, and preserve the peace, welfare and good government of the province, he should so hastily, rashly and wantonly disappoint public expectation, and fill the province with greater distress and apprehension than ever prevailed from the alien question.

Your Committee, while on this humiliating subject, feel bound also to remark on the positive contradiction between the evidence of the honourable Mr. Sullivan and the honourable Captain Baldwin, as reference thereto will prove; while Mr. Sullivan expressly affirms that the writing was drawn up solely at his own request, Captain Baldwin stated that it was at the suggestion of the Honourable Mr. Elmsley.

The Committee beg leave also to remind your Honourable House again of your Address to His Majesty during the last Session, hereunto appended, marked (H.), respectfully but earnestly urging that the principles of the British Constitution, respecting the advisers and confidential officers of the Government in this province, might be enforced, and intimating an intention on the part of the House, if these just and reasonable wishes were longer dis-

regarded,

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regarded, to withhold the supplies from a government conducted in such a manner and by such officers. Your Honourable House has distinctly but respectfully declared to his Excellency its regret at the removal of the late Executive Council, and its entire want of confidence of the present members of it, and has humbly requested him to take immediate steps for their removal. Nevertheless they are retained, and the wishes of the representatives of the people, constitutionally expressed, are disregarded. No alternative is left to the House, in the opinion of the Committee, but to abandon their privileges and honour, and to betray their duties and the rights of the people, or to withhold the supplies; the constitutional right of which is clearly acknowledged in Lord Henley's despatch, and also in his Excellency's reply to the late Council; and in the language of Lord Stanley, on the very subject of procuring a removal of advisers in this province, "it is the constitutional mode of enforcing our wishes." All that we have done will otherwise be deemed an idle bravado, contemptible in itself, and disgraceful to the House, and although, in consequence of the law granting a perpetual Civil List, which was obtained by Sir John Colborne's withholding a despatch that he had been directed to communicate to the Legislature, showing that the government only wanted the grant for seven years, or during the life of the King, which act received the approbation of His Majesty's Government, the refusal of the supplies cannot have its just constitutional influence, yet it will testify the feeling and the determination of the House more forcibly to His Majesty's Government, and will avail more than any thing else. It becomes the more necessary when it is observed that Lord Glenelg assumes in his Instructions to his Excellency, that until the last Session there generally "subsisted a spirit of amicable co-operation between the Executive Government and the Legislature;" although so far from any such harmony subsisting, the majority of the House of Assembly, in both the ninth and tenth Parliaments, were denounced by the adherents of the provincial Administration in unmeasured terms of abuse, and were represented as being opposed with even indiscriminate hostility to the arrangements and institutions of the Government.

Your Committee, therefore, distinctly recommend to your Honourable House to withhold the annual supplies.

His Excellency, in answer to the Address of your Honourable House respecting the present Executive Council, observes, "I might say that I had hoped the House would have refrained from any such decided expression of its opinion on the subject until it had received the Report of the Committee to whom the subject was referred, and for whom the Government office is now occupied in furnishing the documentary evidence they desire; but I am unwilling to discuss the question."

Your Committee hope there is not now, and never will be hereafter, another such a direct and violent breach of the privileges of the Commons' House of Assembly; indeed, the assumption of power to chide the whole House for not awaiting a report from a select committee, can meet with a parallel only in the very worst periods of English history. Surely such conduct was never intended, and will never be countenanced by the British Government. Observing the marked forbearance of your Honourable House, your Committee dismiss this painful and humiliating subject, simply referring to the recent case of a similar nature in Jamaica, which is set forth in the following communication to his Excellency the Governor of that island, during its last session.

"May it please your Excellency,

"We are ordered by the House to wait on your Excellency with the accompanying resolutions, which have been agreed unto by the House:—

"1. Resolved, That the first message of his Excellency the Lieutenant-Governor, of yesterday, is a direct breach of the privileges of this House, inasmuch as the subject-matter of that message was then pending between the other branches of the Legislature.

"2. Resolved, That this House cannot, consistently with its own dignity, or with due regard to its own rights and privileges, which are the firmest bulwarks of the liberties, franchises and immunities of the people, proceed to do any other business until reparation shall be made for this breach of privilege."

This, your Committee conceive, is a just illustration of the resentment which such conduct deserves, and generally receives.

The attention of your Committee has been recently drawn to a political address from the grand jury at the present assizes in this city to his Excellency, and his Excellency's answer. (See certified Copies in the Appendix, *marked U.*) This grand jury, selected by Mr. Sheriff Jarvis, holding office during the pleasure of Sir Francis Head, style themselves "*Grand Jurors representing the Home District!*" There is no known law or constitutional usage under which the above gentlemen can claim the representative character; and it has ever been a subject of grievance and regret that the Executive Government have given a countenance to the political pretensions and sycophantic offerings of grand juries in this country. While they mix up with their judicial duties the party feelings of the day, and present to the Lieutenant-Governor, with evident acceptability, their political oblations, there can be no prospect of that cool, dispassionate and impartial conduct towards all classes of the people, required by their oath, and prescribed by the law. The mixture of such matters in the public ordinances of religion, or in the public administration of criminal justice, must be revolting to every "*well-constituted mind,*" and is certain to contaminate what the dearest interests of society require to be pure and untainted. The imposition of political duties upon the Chief Justice as Speaker of the Legislative Council, against the repeated remonstrances of the people and their representatives, is felt to be itself a practical evil, and has

no doubt also contributed to destroy that decorum in other branches of the Judiciary, which might otherwise keep them aloof from voluntarily blending party politics with the duties of the grand jury room. With the grand jury originate indictments for alleged political offences, and the practice of tampering with their own consciences by inflaming themselves with such unseasonable discussions, is calculated to revive the scenes acted in the administration of Sir P. Maitland.

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It is a striking fact, that the foreman of this grand jury, selected by Mr. Sheriff Jarvis, is a military gentleman on full pay, on a temporary leave of absence, and who, although a son of the late Dr. Macaulay, is personally known only to a few as an occasional visitor from military service. Your Committee, without meaning any personal reflection upon that gentleman, cannot but remark upon the conduct of Mr. Sheriff Jarvis in making such a selection, which appears to have been done to second the avowed intentions of the Lieutenant-Governor to appoint him Surveyor-General, with the further plan of introducing him into the Legislative and Executive Councils. The same gentleman, it appears, has recently presided at political meetings in this city; and, as a military man, he seems unconscious of the impropriety of re-acting the same scenes in the sphere of a grand juror.

His Excellency's answer welcomes the adulation of the grand jury, and outstepping the limits of the Address, he descants against "the ignominious tyranny" of the Executive Council of the province, which he styles "a secret Metropolitan Cabinet;" thus deriding and vilifying the institutions of the country, while in obvious allusion to those who differ from him upon this "great constitutional question," he boasts of having "*repelled enemies*." Affairs assume a serious character when the representative of His Majesty arrays against himself as "*enemies*" whom he has "*repelled*," the great body of the people, who have long sought for a better constituted and more efficient Executive Council for the practical ends of government. These hostile and inimical feelings indulged by his Excellency against so numerous a class of the community, blast all our hopes of that impartial and conciliatory policy and constitutional system which have been promised by the British Government.

The Committee have been obliged unavoidably, though reluctantly, to extend their Report to a great, perhaps an inconvenient, length. They think the subject one of vital interest, and the present era an all-important crisis in our affairs. The despotic unconstitutional principles announced and defended by Sir Francis Bond Head, and his avowed determination to adhere to them; the tyrannical and unjust conduct pursued by him towards the late Council, the bitterness of feeling which he is known to entertain towards all who think it their duty to oppose him; the intention which his public acts evince to perpetuate and aggravate the system, and to cherish and favour the party, so much complained of, yet so much fostered, under his predecessor, destroy all hope that his administration of the government can be just, satisfactory or useful to the country, or conducive to the honour and interests of the Crown, and make it, in the opinion of the Committee, a necessary though most painful duty on the part of your Honourable House, respectfully but most earnestly to pray that His Majesty's Government will seriously consider our situation, and afford us such relief as the exigency of the case requires. Respect for the Crown requires that this object should be sought in the ordinary way, by an address to His Majesty only; but considering the usual manner in which our representations have been viewed and treated at the Colonial Office, we recommend that a Memorial should be also addressed by your Honourable House to the House of Commons; a body who understand and feel the value and importance of those principles for which we are contending. The Committee have prepared an Address to the King and a Memorial to the House of Commons in conformity with these views, which they beg leave most respectfully to submit herewith; and recommend that a copy of this Report, with the Appendix and Memorial to the House of Commons, be presented to his Excellency with the Address, and a request that he will be most graciously pleased to transmit the same to His most Gracious Majesty the King.

They submit the whole with a deep and solemn sense of the great responsibility which now rests upon the House of Assembly. The state of our public affairs, apparently growing worse instead of being improved; the dissatisfaction and anxiety of the people; the determination of the Government to defend and enforce arbitrary principles, and to oppose the application and the operation in this province of acknowledged and essential principles of the British Constitution, and the comparisons which are every day made between our condition on the one hand, and on the other hand the prosperity of all classes, the activity of business, and the improvements of all kinds in the adjacent country, are considerations which cannot be disregarded. Blessed with a fine and healthy climate, a productive soil, unequalled natural facilities for internal communication, and an industrious and enterprising population, we ought to see the country flourish and improve at least as much, and the people as happy, prosperous and contented under the British Constitution (if we were permitted to enjoy it in its full and beneficial operation), as could be realised under a different form of government.

The Committee are not willing to believe the contrary; but that a system which has long rendered unavailing the natural advantages of the country and paralyzed its youthful energies, should now of a sudden produce contrary effects, is not to be expected.

Great as is the constitutional question for which the country contends, it is simple in its nature. We have, under the 31st Geo. 3, an Executive Council, constituted by the Royal Instructions; this Executive Council we desire to see discharging the duties belonging to such a Council; as it is the duty of Parliament to legislate, so it is the duty of the Executive Council to advise. It has been simply proposed that our public affairs should

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pass under their review preparatory to the final and discretionary action of the Governor upon them; and assuredly the people, upon whose affairs and highest interests the advice is given, should be allowed to see the representative of the King surrounded by men alike possessing his confidence and that of the country.

The great question now before your Honourable House and the country, is not whether we are to have the constitution and form of government of the United States introduced and established among us, but it is simply whether we (His Majesty's subjects in Upper Canada) shall enjoy acknowledged principles of the British Constitution.

Whether we shall have the same rights and privileges that are enjoyed by our fellow subjects in the United Kingdom, and which has always heretofore been admitted in theory, but denied in practice?

Whether the advisers of the Lieutenant-Governor, the Executive Council, are to be gentlemen of sound principles, known and possessing the confidence and esteem of the people, whom they are sworn to serve as well as His Majesty, or to be persons unknown, unsworn and irresponsible, and consequently under no restraint or accountability for the advice they give, or means (honourable or dishonourable) they use to accomplish their ends?

If we have at the head of our local affairs, not a representative of the King, but a mere minister, culpable for all misdoings in our government, there is no reason why he should longer be held (as heretofore) above the law of the land. If, on the one hand, we ask for the beneficial operation of the Executive Council, the answer is, "I am only in the place of a minister, answerable for my own acts and those of my Council into the bargain." And when, on the other hand, you desire to proceed against him for any wrong, the character is shifted from a mere minister into a representative of the King, who can do no wrong, and is above all law. One day he is a minister in order to assume power and act wrongfully; another day he is the representative of the King, to oust the courts of justice of their jurisdiction; he assumes one character for *licence*, and another for *defence*.

Your Committee desire to remark, that our other institutions have often in times past been subjected, like the Executive Council, to similar attempts to cripple or abridge their constitutional rights and character. Your Honourable House was at one time denied the privilege which necessarily and constitutionally appertains to Parliament, viz., the right to inquire into public abuses; and they were not established on their present broad, firm and acknowledged basis, without appeals to England and litigation in our courts of law. During the ninth Parliament, occurred the arbitrary outrage upon the rights and property of Mr. Forsyth, by Governor Maitland, with military force, under the legal advice of the Attorney-General (since promoted to the Chief-Justiceship of this province), and supposed to have been under the advice of the then Executive Council. This flagrant wrong became the subject of inquiry before a Committee of your Honourable House; and Messrs. Givens and Coffin were attempted to be sustained by Governor Maitland in their refusal to obey a summons to give evidence; in fact they had his express orders not to attend. Thus, in illustration of the alleged sufficiency of Downing-street responsibility by Governors, it appears that an outrage is perpetrated first, and then Executive authority, influence and power exerted to prevent investigation. Nor was this all; for Sir P. Maitland further tried to poison what justice might be expected from His Majesty, by writing a secret calumniating despatch, giving a bad character to Mr. Forsyth, and traducing as factious the Assembly that interposed in his behalf. The ninth Parliament proceeded to the arrest and imprisonment of the refractory officials; and although Sir George Murray, then Principal Secretary of State for the Colonies, rebuked Sir P. Maitland for his long and artful despatch against our Parliamentary privileges, yet he was never disgraced or punished; and even in the tenth Parliament the Attorney-General (since Chief Justice of Newfoundland) reacted the same dispute of the privileges of the provincial Parliament; and it was not until the present Speaker of your Honourable House was prosecuted for his warrant, and that an adjudication of the Court of King's Bench, after elaborate argument, had placed the question out of the reach of further denial, that the right was acknowledged. When therefore it is considered with what trouble and vexation, and against what Executive influence and calumny the privileges of Parliament have been asserted and maintained, it is less surprising that the constitutional duties and functions of the Executive should factiously be denied. The privileges of Parliament were not more obvious and certain, or more important than the duties and functions of the Executive Council for the peace, welfare and good government of the country; and it only needs, on the part of the people and their representatives, the same firm and constitutional exertions to ensure the same success in the present all-important contest.

All which is respectfully submitted.

(signed) *Peter Perry*, Chairman.
T. D. Morrison.
John P. Roblin.
Hiram Norton.
Charles Duncombe.

Committee Room, House of Assembly, }
14 April 1836.

(Truly extracted.)

James Fitzgibbon,
Clerk of Assembly.

A P P E N D I X.

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Appendix.

(A.)

Representation of
Examining Council
to Lieut-Governor.

TO His Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

Executive Council Chamber at Toronto,
Friday, 4 March 1836.

May it please Your Excellency,

THE Executive Council, impressed with the oath they have taken to discharge the duties necessarily resulting from their appointment "to advise the King and his representative in the government of this province," in the terms of the Constitutional Act, "upon the affairs of the province," deem it incumbent upon them most respectfully to submit the following representation:—

The Executive Council recognize the truth of the opinion expressed by Lord Glenelg, that "the present is an era of more difficulty and importance than any which has hitherto occurred in the history of this part of His Majesty's dominions." This unhappy condition they ascribe, in a very great degree, to the hitherto unconstitutional abridgement of the duties of the Executive Council. It appears from the proceedings of the House of Assembly and from the reiteration of established opinion in the country, that neither will public expectation be satisfied, nor contentment be restored, until the system of local government is altered and conducted according to the true spirit and meaning of the Constitutional Act. The delay of this just and indispensable course has already excited in the great mass of the people a lamentable jealousy and distrust, and has also induced the discussion of constitutional changes; the desire for which, unless speedily arrested, by affording the unrestricted operation of the 31st Geo. 3, c. 31, will not only become more fixed, but rapidly increase to a greater and irretrievable extent.

The policy and measures which have led to the present condition, seldom passed under the review of the Executive Council, or were submitted for their advice. Nevertheless, its members have been undeservedly subjected to the heaviest reproach throughout the country, from a prevalent belief that they have been called upon to fulfil the duty imposed upon them by the Constitution, as advisers upon public affairs. But amidst the obloquy thus thrown upon them, they have studiously avoided any attempt at exculpation, by disavowing in their defence any participation in the conduct of the affairs which they were erroneously supposed to have approved. The consequence of this silent endurance of political odium, has been the perpetuation of the misbelief that the Executive Council are conversant with the affairs of the province, upon which they are appointed to advise; and although an opposite practice has generally prevailed between former Lieutenant-Governors and their Council, yet it has ever been notoriously contrary to the state of things presumed by the community to exist.

Public opinion respecting the Executive Council and their duties, has been founded upon the terms of the 31st Geo. 3, c. 31, to which statute the people used to express a firm attachment; an attachment which the Council believe never would have been impaired had the Constitution been administered either according to its letter or its spirit.

In several clauses of 31 Geo. 3, c. 31, the Executive Council is mentioned in general terms. In the 34th clause the terms are, "together with such Executive Council as shall be appointed by His Majesty for the affairs of such province;" and not as it would otherwise have been expressed, "together with such Executive Council as shall be appointed by His Majesty *for that purpose*." In the 38th clause the terms are, "with the advice of such Executive Council as shall have been appointed by His Majesty, his heirs or successors, within such province, for the affairs thereof;" and not, as it would otherwise have been expressed, "with the advice of such Executive Council as shall have been appointed by His Majesty, his heirs or successors, within the province, *for that purpose*."

The same may be said of similar terms used in the latter part of the seventh clause.

With respect to which clauses it may be further remarked, that had it been contemplated that the Executive Council were to act only in the matters therein specified, the words "on the affairs of such province" might have been omitted, without in the least impairing the legal effect. In the construction, therefore, of this statute, the above expression cannot be treated as surplusage, but must be taken to impose the duty which it imports.

From the language of this statute, therefore, it appears,

First. That there is an Executive Council.

Second. That they are appointed by the King.

Third. That they are appointed to advise the King and his representative upon "*the affairs of the province*;" no particular affairs are specified; no limitation to any particular time or subject.

As the Constitutional Act prescribes to the Council the latitude of "the affairs of the province," it requires an equal authority of law to narrow those limits, or relieve the Council from a co-extensive duty.

Every representative of the King, upon arriving from England to assume the government of this country, is necessarily a stranger to it, and the law has provided for a local Council as a source of advice, which when given, is followed or not according to his discretion.

In certain cases specified in the 38th clause of the 31st Geo. 3, c. 31, the concurrence of the Council is required to give effect to certain Executive acts. But these exceptions

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prove the general rule, viz., that while the advice is to be given upon the affairs of the province generally, it is only in the particular cases that it must harmonize with the pleasure of the Crown, to give that pleasure effect. Indeed, if the law could be construed to limit the advice to the particular cases, it would follow that the Council could not legally and constitutionally advise upon any others; a proposition which, besides its manifest repugnance to the terms of the Act, is contrary to received opinion and usage.

But while the Constitution has assigned to the Council this duty, it is only to a very subordinate and limited extent that they have heretofore had an opportunity afforded them to perform it. It is submitted, that the exigency of the statute can only be answered by allowing the affairs of the province to pass under their review for such advice as their consciences may suggest, preparatory to the final and discretionary action of the King's representative upon those affairs.

The Council meeting once a week upon land matters, while the affairs of the country are withheld from their consideration and advice, is as imperfect a fulfilment of the Constitutional Act as if the Provincial Parliament were summoned once a year, to meet the letter of the law, and immediately prorogued upon answering the speech from the throne. In both cases the true meaning and spirit of the Constitutional Act require, that the Parliament should have a general and practicable opportunity to legislate, and the Executive Council to advise, upon the affairs of the country. In the former case, the representative of the King can withhold the royal assent from Bills, and in the latter, reject the advice offered; but their respective proceedings cannot be constitutionally circumscribed or denied because they need the expression of the royal pleasure thereon for their consummation.

The extent and importance of the affairs of the country have necessarily increased with its population, wealth and commerce, and the Constitution has anticipated the difficulty, by a division of labour and responsibility from the active attention of the Executive Council to their duties. With the exception of those matters of so weighty or general a character as not properly to fall under any particular department, and therefore fitted for the deliberation of the Council collectively, it is recommended, that the affairs of the province be distributed into departments, to the heads of which shall be referred such matters as obviously appertain to them respectively. Upon this principle (recognised by the existing Constitution of this province and of the mother country) the people have long and anxiously sought for the administration of their government under the representative of the King; and the Council most respectfully, but at the same time earnestly represent, that public opinion upon the subject is so fixed, and becoming so impatient, as to preclude the possibility of denying or delaying the measure, without increasing public dissatisfaction, and leading to the final adoption of other views, as already too universally manifested, uncongenial to the genius of the Constitution, and most dangerous to the connexion with the parent State.

The remedy, it is feared, is now proposed too late for all the advantage desired; but the longer it is withheld, the more alienated and irreconcilable will the public mind become. The present comparative calm and thankfulness arise from a belief that the Council will second this exigency, in establishing a system of government according to the principles recognised by the Charter of the liberties of the country—an expectation which the Council are most anxious to realize.

Should such a course not be deemed wise or admissible by the Lieutenant-Governor, the Council most respectfully pray that they may be allowed to disabuse the public from a misapprehension of the nature and extent of the duties confided to them.

(signed)

*Peter Robinson.
George H. Markland.
Joseph Wells.
John H. Dunn.
Robert Baldwin.
John Rolph.*

(B.)

REPLY of His Excellency the Lieutenant-Governor to the Communication of the Executive Council.

THE Lieutenant-Governor transmits to the Executive Council the following observations in reply to the document which in Council they yesterday addressed to him:—

“The Constitution of a British Colony resembles, but is not identical with, the constitution of the mother country; for in England, besides the House of Commons, which represents the people, there exists a hereditary nobility, the honours and wealth of which, as well as the interests of the Established Church, are represented by a House of Lords, while the Sovereign (who by law can do no wrong) is surrounded by a Ministry upon whom devolves the entire responsibility of the measures they suggest, and who are consequently removable at pleasure. But in the colonial portion of the British Empire, which, however rising, is, generally speaking, thinly inhabited, the people are represented by their House of Assembly, which is gifted not only with the same command over the supplies as in England, but which possesses within the colony most of the powers of the British House of Commons. The Legislative Council is intended, as far as the circumstances of a young colony can permit, to resemble the British House of Lords; and if the Lieutenant-Governor

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of a colony stood in the place of the Sovereign, and if, like His Majesty, he could do no wrong, it would evidently be necessary that a ministry, executive council, or some other body of men, should be appointed, who might be responsible to the country for their conduct.

"This, however, is not the case; His Majesty delegates His sovereign protection of His colonies to no one; but he appoints a Lieutenant-Governor, who is responsible to Him for his behaviour, who is subject to impeachment for neglecting the interests of the people, and who is liable, like the English Ministry, to immediate removal; and the history of the British Colonies clearly shows, that there is no class or individual of His Majesty's subjects to whose representation, prayer or petition, the King is not most willing to attend.

"The Lieutenant-Governor is therefore the responsible minister of the colony; and as not only his character, but his continuance in office, depend on his attending to the real interests of the people, it would be evidently as unjust towards him that he should be liable to impeachment for any acts but his own, as it would be unjust towards the people that a responsibility so highly important to their interests should be intangible and divided. It is true, his knowledge of the country is not equal to that of many intelligent individuals within it; but in government, impartiality is better than knowledge; and it must be evident to every well-constituted mind, that in an infant state of society it would be impossible practically to secure a sufficient number of impartial persons to effect a change of ministry, as often as it might be necessary for the interests of the people to do so.

"This difference between the constitution of the mother country and that of its colony is highly advantageous to the latter; for, as in all small communities private interests and party feelings must unavoidably be conflicting, it is better, as well as safer, that the people should be enabled to appeal in person, or by petition, to the Lieutenant-Governor himself, whose duty it is to redress their complaints, and who is liable to dismissal if he neglects them, than that they should appeal to a series of provincial ministries, composed of various individuals.

"To enable the Lieutenant-Governor to perform the arduous duties of his office, the constitution has wisely provided him with an Executive Council, competent to supply him with that local knowledge in which he may be deficient, and to whom he may apply for counsel and advice.

"Before he entrusts himself to these gentlemen, they are, by order of His Majesty, required solemnly to swear, not only to give to the Lieutenant-Governor their best counsel and advice, but they are also sworn to secrecy.

"Their individual opinions can never be divulged, *even to the King*: and as a proof that His Majesty does not hold them responsible for the acts of his Lieutenant-Governor, they can retain, and often do retain, their office of sworn advisers, although Governor after Governor may have been dismissed.

"The advantage of such a Council to a Lieutenant-Governor is so self-evident, that he must be weak and self-sufficient indeed who does not continually have recourse to it; but although it strengthens his judgment and confers dignity on his proceedings, yet it in no way shields him from disgrace, should his acts be found contrary to the interests of the people. In such a case, it would be vain as well as unconstitutional for a Lieutenant-Governor to attempt to shield himself from responsibility by throwing it upon his Council; for by his oath he cannot even divulge which of his advisers may have misled him.

"Supposing, for instance, that with the concurrent advice of his Council, he was illegally to eject by military force an individual from his land, the Lieutenant-Governor would be liable to arraignment; and whether he had acted by the opinion of the law officers of the Crown, by the advice of his Council, by information derived from books, or from his own erring judgment, it has been wisely decreed that the injured subject should look to him, and him alone, for retribution, and that he, and he alone, is answerable to his Sovereign for the act of injustice which has been committed.

"Being therefore subject both to punishment and disgrace, it is absolutely necessary, as well as just, that the Lieutenant-Governor of a colony should have full liberty to act, (though at his peril,) in every case as he may think best for the interests of the people, according to the commands of His Majesty, and of His Majesty's Ministers.

"To consult his Council on the innumerable subjects upon which he has daily to decide, would be as utterly impossible as for any one but himself to decide upon what points his mind required or needed not the advice of his Council. Upon their sterling fund he must therefore constitutionally draw whenever embarrassment requires it; and on their part, if they faithfully honour his bills, (however often he may present them, they conscientiously fulfil to their Sovereign, to him, to their country, and to their oath, the important duty which they have sworn in secrecy to perform.

"Having concluded the above outline of the relative responsibility of the Lieutenant-Governor and his Executive Council, as it regards His Majesty's colonies in general, it may be observed with respect to this province in particular, that when His Majesty, by conquest, first obtained possession of the Canadas, the government thereof devolved upon its military commander, until, by an Act passed in the 14th year of Geo. 3, a Council was appointed for the affairs of the province of Quebec, 'to consist of such persons resident therein (not exceeding 23, nor less than 17,) as his Majesty, his heirs and successors shall be pleased to appoint, which Council so appointed and nominated, or the major part thereof, shall have power and authority to make ordinances for the peace, welfare and good government of the said province, *with the consent of his Majesty's Governors.*'

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" This power of the Council was further restricted by certain important limitations, specified in clauses 13, 14, 15, 16 and 17 of the said Act; however, in the year 1791, a new Act was passed, commonly called 'the Constitutional Act,' because it settled the constitution of the Canadas, which were then divided into the Upper and Lower Provinces.

" By this Act, the military domination of the General and his Council was changed for a new and better system; and as evidently both could not exist together, the very first clause in the Act declared, " That so much of the late Act 14 Geo. 3 as in any manner relates to the appointment of a council for the affairs of the said province of Quebec, or to the power given by the said Act to the said Council, or to the major part of them, to make ordinances for the peace, welfare and good government of the said province, with the consent of his Majesty's Governor, Lieutenant-Governor, or Commander-in-Chief for the time being, shall be and *the same is repealed.*'

" The Act then proceeds to state, that there shall be within each of the said provinces respectively a Legislative Council and an Assembly, the duties and privileges of which are minutely declared in 33 consecutive clauses; but in no part of the said Act was an Executive Council directly or indirectly created. Nevertheless a vestige of the ancient one was, for the purpose of a court of appeal [*Vide* Clause 34], recognised, with an expression which seemed to intimate that an efficient Executive Council would very shortly be created.

" For instance, in section 38 the Governor is, by authority of His Majesty's Government, and with the advice of the Executive Council, 'empowered to erect parsonages and rectories;' but in section 39 no mention whatever is made of the Executive Council, but, on the contrary, it is declared, that the Governor or Lieutenant-Governor, or person administering the government, should present the incumbent 'to every such parsonage or rectory.'

" In the 50 clauses of the Act in question, the Executive Council which, in section 34, is merely described as 'such Executive Council as *shall be* appointed by His Majesty,' is scarcely mentioned, and, as regards even its existence, the most liberal construction which can possibly be put upon the said Act only amounts to this: that as an Executive Council was evidently intended to exist, the remnant of the old one ought not to be deemed totally extinct until its successor was appointed."

" However, this latent intention of His Majesty to create a Council for each of the provinces of His Canadian dominions, was soon clearly divulged in a most important document, commonly called '*The King's Instructions,*' in which an Executive Council was regularly constituted and declared, as follows: 'Whereas We have thought fit that there should be an Executive Council for assisting you, or the Lieutenant-Governor, or persons administering the government of the said province of Upper Canada for the time being, We do, by these presents, appoint the undermentioned persons,' &c. &c.

" In subsequent clauses it was equally precisely defined upon what affairs of the province the Lieutenant-Governor was to act '*with the advice of the Executive Council;*' but with the view distinctly to prevent the new Council being what the old one had been (which indeed under the new constitution was utterly impossible), in short, to set that question at rest for ever, it was declared in section 8, 'that to the end that our said Executive Council may be assisting to you in all affairs relating to our service, you are to communicate to them *such and so many* of our instructions *wherein their advice is mentioned to be requisite,* and likewise all such others from time to time as you *shall find convenient* for our service to be imparted to them.'

" The Lieutenant-Governor having now transmitted to the Executive Council his opinion of their duties, in contra-distinction to that contained in their communication to him of yesterday's date, will not express the feelings of regret with which, under a heavy pressure of business, he unexpectedly received a document of so unusual a nature, from gentlemen upon whom he had only recently placed his implicit and unqualified reliance.

" But he feels it incumbent upon him frankly and explicitly to state, that to the opinions they have expressed he can never subscribe. On the contrary, that so long as he shall continue to be Lieutenant-Governor of this province, he will never allow his Executive Council officially to assume that heavy responsibility which he owes to his Sovereign, as well as to the people of this province, to whom he has solemnly pledged himself to *maintain the happy constitution of this country inviolate, but cautiously, yet effectually, to correct all real grievances.*

" The Lieutenant-Governor maintains, that the responsibility to the people of this province, (who are already represented by their House of Assembly) which the Council assume is unconstitutional, that it is the duty of the Council to serve *him*, not *them*; and that if upon so vital a principle they persist in a contrary opinion, he foresees embarrassments of a most serious nature; for as power and responsibility must in common justice be inseparably connected with each other; it is evident to the Lieutenant-Governor that if the Council were once to be permitted to assume the *latter*, they would immediately, as their right, demand the *former*, in which case, if the interests of the people should be neglected, to whom could they look for redress? For in the confusion between the Governor and an oligarchy composed of a few dominant families, shielded by secrecy, would not all tangible responsibility have vanished?

" The Council cannot have forgotten, that previous to their first meeting in the Council Chamber, which happened only a few weeks ago, the Lieutenant-Governor had assured them

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them in a note (which was even publicly read in the House of Assembly), that although he had no preliminary conditions to accede to or require, it was his intention to treat them with implicit confidence; and the Council must also remember how willingly they approved of the very first suggestion he made to them, namely, that no important business should be commenced in Council until they, as well as the Lieutenant-Governor himself, had become mutually acquainted with their respective duties.

"The Lieutenant-Governor assures the Council, that his estimation of their talents and integrity, as well as his personal regard for them, remain unshaken, and that he is not insensible of the difficulties to which he will be exposed, should they deem it necessary to leave him. At the same time should they be of opinion that the oath they have taken requires them to retire from his confidence, rather than from the principles they have avowed, he begs that on his account, they will not for a moment hesitate to do so.

"Government House, }
Toronto, March 5, 1836. }

"F. B. Head."

(C.)

Letter from Robert Baldwin, Esq. to Peter Perry, Esq.

Dear Sir,

Front Street, 16 March 1836.

MYSELF and my colleagues having felt it our duty to tender our resignations, and the Lieutenant-Governor having been pleased to accept them, I waited on his Excellency to request his permission to make public, in the usual parliamentary way, the steps which led to the formation of his Excellency's late Cabinet, and the circumstances which occasioned its dissolution; to which his Excellency, in the handsomest manner, frankly accepted, most graciously assuring me that his confidence in me personally was such, that he presented me with a *charte blanche* to save the whole, from the commencement of the negotiations to the acceptance of our resignations.

None of the members of the late provincial administration having the honour of a seat in the Commons, I know of no way in which such information can be more respectfully communicated, than in a letter addressed to you, for the purpose of being read in your place, or of the House being put in possession of its contents in whatever other way your more intimate acquaintance with parliamentary forms may suggest.

I therefore beg leave to state, that his Excellency, having done me the honour to send for me, explained the position in which he found himself placed on assuming the government of the province, and declaring himself most anxious to do the best he could to insure to the province good and cheap government, expressed himself most desirous that I would afford him my assistance by joining his Executive Council, assuring me that in the event of my acceding to his proposal, I should enjoy his full and entire confidence.

I informed his Excellency of my extreme reluctance to again embark in public life, and proceeded to state that, notwithstanding such reluctance, and reserving to myself the option of declining to accept the seat which his Excellency had tendered to me on private grounds merely, I yet felt that as his Excellency had done me the honour of sending for me, I would not be performing my duty to my Sovereign or the country, if I did not, with his Excellency's permission, explain fully to his Excellency my views of the constitution of the province, and the change necessary in the practical administration of it; particularly as I considered the delay in adopting this change as the great and all-absorbing grievance, before which all others, in my mind, sunk into insignificance; and the remedy of which would most effectually lead, and that in a constitutional way, to the redress of every other real grievance, and the finally putting an end to all clamour about imaginary ones; and that these desirable objects would thus be accomplished without in the least entrenching upon the just and necessary prerogatives of the Crown, which I considered, when administered by the Lieutenant-Governor through the medium of a provincial ministry, responsible to the provincial Parliament, to be an essential part of the constitution of the province. That these opinions were not hastily formed, that they were, on the contrary, those which I had imbibed from my father, who, though now for some years, as well as myself, unconnected with public life, had formerly held a much more distinguished position in the politics of the country than I could pretend to, and that they were opinions which the experience of every year had more and more strengthened and confirmed; that I felt convinced that the prompt adoption of those views was the only means of consolidating the connexion with the Mother Country, to the preservation of which no one was more devotedly attached or ready to make greater sacrifices than myself. That they were nothing more than the principles of the British constitution applied to that of this province, and which I conceived necessarily to belong as much to the one as the other. That the call for an Elective Legislative Council, which had been already formally made from Lower Canada, and had been taken up, and appeared likely to be responded to in this province, was as distasteful to me as it could be to any one; as all that to me appeared necessary or desirable, was the constitution as it stood, fully and fairly acted upon. And that I was convinced that had such a course been adopted some years ago, we should not now have had the public discussing the expediency of an alteration in the constitution by the introduction of a provision for an Elective Legislative Council. That I feared it might not be too late; but as I was not sufficiently aware of the exact state of the question to speak decidedly, I sincerely hoped that by the prompt adoption of a responsible provincial administration, under the King's representative, the question might even yet be set at rest; and in reply to an objection of his Excellency, that the adoption of such a course would be placing the Lieutenant-Governor in a position similar to that of the King, which was inconsistent with
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the fact of his responsibility, I explained, that as far as regarded the internal affairs of the province, the Lieutenant-Governor was, in point of fact, as far as this province and its Parliament were concerned, as completely irresponsible as the King himself; as there certainly neither existed, nor, in my opinion, ought to exist, any legal or constitutional means of calling him to account in this country for any act of his government. That his responsibility was to the King and Parliament of the Empire; and was perfectly proper and necessary for the preservation of the paramount authority of the Mother Country, and the protection of her interests in matters properly and constitutionally belonging to the exercise of that authority. But that what the constitution required was, that there should be persons within this country itself who could be made responsible to the provincial Parliament here for the administration of the internal affairs of the province.

To another objection of his Excellency, that the adoption of my views would deprive the Lieutenant-Governor of all power, and convert him into a cipher, I distinctly denied any such as a consequence of my principles; as I fully admitted the Lieutenant-Governor to be constitutionally clothed, as the royal representative, with the same powers within the province, with respect to its internal affairs, as those possessed by the King himself with respect to the affairs of the Empire at large, which appeared to me to be all that he could desire, and at all events all that the constitution had given him. That he had always the same constitutional right to accept or reject the advice of any of his Executive Councillors, and that, as in England, the only alternative for them was to resign, when they and the Lieutenant-Governor differed on any point which they conceived of sufficient importance to call for such a step; in which event the Lieutenant-Governor was perfectly free to call to his Council whom he pleased.

His Excellency very candidly declared his entire dissent from such views and opinions; he nevertheless, with the most gracious expression of satisfaction at the very full and candid manner in which I had opened them to him; renewed his solicitation for my acceptance of a seat in the Executive Council, suggesting, as an inducement for such acceptance, the increased facilities which, by my place in the Executive Council, would be afforded towards the more efficiently representing and urging my views. His Excellency declaring that his doors should at all times be open to me, and that he should be most happy to listen and give his most serious consideration to any subject which I might at any time think it important to lay before him, his Excellency always reserving the right to decide for himself; his Excellency at the same time remarking, that he had no objection to the Council, each continuing to entertain and urge his individual opinions, as the opinions of one would be neutralised by those of another.

I then informed his Excellency, that upon the principles which I had opened to him there were two grounds upon which I could not consistently comply with his Excellency's wishes; first, that no provincial administration would, in my opinion, be capable of affording his Excellency that assistance and support which his government would require, unless sufficiently possessed of the confidence of the provincial Parliament to insure majorities in it; and that I did not feel that that confidence could be obtained without further assistance: and, secondly, that although in private life I was on perfectly good terms with all the gentlemen who then composed his Excellency's Executive Council, and on most friendly terms with one of them, yet that, as public men, I had in them no confidence whatever, and had formerly, when in public life, denounced them, and those with whom they acted, as politically unworthy of the confidence of the country; and therefore that I felt that I could not take office with them.

At length, after a consultation, held, by his Excellency's permission, with Dr. Rolph and my father, I finally, on the two grounds above mentioned, declined to accept a seat in the Executive Council.

It is proper that I should here remark, that though these principles were fully opened to his Excellency at my first interview, some parts of the conversations above adverted to (though I believe none that could be considered essential to the full exposition of the principles themselves), passed during the subsequent interviews which I had the honour of having with the Lieutenant-Governor in the course of the negotiation.

Having been subsequently again sent for by his Excellency, and requested to state more explicitly what the assistance was to which I had before alluded, I replied, that I considered the assistance of Dr. Rolph, Mr. Bidwell, my father and Mr. Dunn, in the Executive Council most desirable, and that of Dr. Rolph as absolutely necessary, to insure that public confidence in his Excellency's government, without which I was convinced his Excellency, with the best intentions in the world, would fail to accomplish those desirable objects which he had in view.

His Excellency, after an interview which he informed me he had had with Mr. Bidwell, again opened the negotiation by a renewed tender of a seat in the Executive Council, giving me at the same time to understand, that, if accepted, he was prepared to afford me the assistance of Dr. Rolph and Mr. Dunn, should these gentlemen have no objection to join me.

Upon this, with his Excellency's permission, I again consulted with Dr. Rolph, Mr. Bidwell, and my father, and I feel it due to the two latter to take this opportunity of stating, that I received the fullest assurance of their most cordial support to a cabinet composed of Dr. Rolph, Mr. Dunn and myself, and the expression of their opinions that, in the present conjuncture of public affairs, their being taken into the cabinet ought not to be further urged; which disinterested course on their part, so consistent with the position which they hold in the public confidence, the country, I am persuaded, cannot fail to appreciate.

Appendix.

Letter from Robert Baldwin, Esq. to Peter Perry, Esq.

Appendix.

Letter from Robert
Baldwin Esq. to
Peter Perry, Esq.

ciate. This renewal of the negotiation was, however, ultimately closed by my again finally declining to accept office, in consequence of his Excellency not feeling himself justified in consenting to the removal of those gentlemen who were already in the Council.

Upon this, his Excellency sent for my father, to whom he made a similar tender of a seat in the Executive Council, and his fullest confidence in the event of his accepting it; and I am authorized to say, that Dr. Baldwin, on that occasion, informed his Excellency, that his views and principles were similar to those which had been already fully laid before his Excellency by me; and that he felt it impossible to take office in conjunction with the three gentlemen who then formed his Excellency's Executive Council.

His Excellency then sent for Dr. Rolph, to whom he made a similar tender of his confidence. Dr. Rolph having obtained his Excellency's permission to consult Mr. Bidwell, Mr. Dunn, my father and myself, it was in the course of that consultation pressed upon me, that as the principle of responsibility, although long before the public, had never yet been practically acted upon, and that taking it for granted (as it was but justice to his Excellency to do) that his Excellency, although mistaken in his views of the constitution of the country, might yet be sincerely desirous of governing according to that constitution, and that in that case all that would be found necessary was to convince him that the views and principles which I had opened to him were just and constitutional to insure their adoption, or the procurement of his Excellency's influence to obtain their adoption; and that, notwithstanding what his Excellency had said with respect to the opinions of one member of the Council being neutralized by those of another, which appeared to arise more from a want of sufficient practical acquaintance with the working of the political machinery of government, which time and experience would necessarily correct, than from any other cause; it would perhaps not be performing our duty to his Excellency, or the country, were we, after his having gone thus far to meet our views, peremptorily to refuse all concession on our part. To this reasoning having given a most reluctant consent, I empowered Dr. Rolph, in accordance with the course deemed by him most respectful to his Excellency, to state to the Lieutenant-Governor that I was willing, with his Excellency's permission, to re-consider his Excellency's proposal, and to consider the negotiation re-opened, upon the footing on which it stood previous to its having been last closed with me; to which his Excellency having at once acceded, and the negotiation having been thus re-opened, after some further consultation upon the subject with Mr. Dunn, his Excellency was finally informed, that Mr. Dunn, Dr. Rolph and myself had, though reluctantly, consented, in compliance with his Excellency's wishes, and as a mere experiment, and one which we feared would fail, to accept seats in his Excellency's Executive Council, without the retirement of the three gentlemen who were already members of it.

Afterwards, on our all waiting on his Excellency, previous to our being sworn, I pointed out and insisted upon the necessity, that, lest compromise of principle might be imputed to us, in consequence of the course we had taken, which in the public eye must necessarily appear equivocal, some announcement should be made of the unfettered terms upon which his Excellency was pleased to receive us into his confidence, which, at his Excellency's suggestion, was finally arranged to be in the shape of a note to that effect, to be addressed to me (as the person first sent for) by his Excellency, and of which I was to be at liberty to make any use that I might deem necessary or proper, which note was, at my request, in accordance with the gracious permission which I had received, read publicly by a member of each House of Parliament in his place, this being the only manner in which it appeared to me the information which it was necessary that the public should be in possession of could be communicated consistently with the respect due to a communication from the representative of the King.

Copies of this note, and of my acknowledgment of the receipt of it, I subjoin.

These negotiations, partly retarded by my absence in the country, were in progress from the 8th until the 20th ultimo, on which day we were sworn into office.

Having thus explained the circumstances which led to our appointment, I have only to add with respect to our retirement from office, that the principles, the facts, and the views which were afterwards embodied in the formal representation of the Executive Council, were (at least ten days before being thus formally presented to his Excellency) at very considerable length amicably discussed between the members of the Executive Council and his Excellency, and afterwards continued the subject of deliberate consideration among the members themselves for another week, when, on the 4th of this month, the formal representation alluded to was unanimously adopted and presented to his Excellency, with respect to which I shall only add, that the course of local Government, and the reasons for it set forth in the representation from the Council, were thus officially suggested to the more formal consideration of his Excellency, from a solemn conviction that it was the only system which would operate "for the good of the King and of this province, and for the peace, rest, and tranquillity of the same."

To this representation the Executive Council, on the following Thursday, being the next regular Council day, received his Excellency's reply.

In this reply his Excellency having intimated his wish "that should the Executive Council be of opinion that the oath which they had taken required them to retire from his Excellency's confidence, rather than from the principles they had avowed, they would not on his account for a moment hesitate to do so," the members of the Council, on Saturday last, waited on his Excellency, and tendered their resignations, which his Excellency was graciously pleased to accept, with respect to which I would here take the liberty of remarking, that, having in the representation alluded to, but reiterated in a more formal manner,

in conjunction with my colleagues under the sanction of the oath which I had in the meantime taken, the same principles and opinions which his Excellency knew me to entertain previous to his honouring me with a seat in his Council, however desirous I might be of giving my best support to his Excellency's Government, or of not hastily abandoning the important duties of my situation, which had been most unwillingly assumed, I could not for a moment hesitate, when the alternative presented to me was the abandonment either of my principles or my place.

Appendix.

Letter from
R. Baldwin, Esq. to
Peter Perry, Esq.

I have the honour to be, dear Sir,

Your most obedient, humble servant,

Peter Perry, Esq., M.P.

(signed) Robert Baldwin.

Dear Sir,

Government House, Feb. 19, 1836.

I HAVE great pleasure in learning that you, Dr. Rolph and Mr. Dunn accept the invitation I have made to you by joining the Executive Council.

The confidence I shall repose in you will be implicit; and as I have no preliminary conditions either to accede to or require from you, I shall rely on your giving me your unbiassed opinion on all subjects respecting which I may feel it advisable to require it.

I remain, dear Sir, your's faithfully,

R. Baldwin, Esq.

(signed)

F. B. Head.

MR. ROBERT BALDWIN has the honour to acknowledge the receipt of his Excellency's the Lieut.-Governor's note of the 19th inst., and will transmit a copy to Mr. Dunn and Dr. Rolph without delay.

Front Street, 20 Feb. 1836.

(D.)

ADDRESS of the COMMON COUNCIL of the City of Toronto.

To His Excellency Sir Francis Bond Head, K.C.H., &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Mayor, Aldermen and Commonalty of the city of Toronto, most respectfully beg leave to state, that at the present most difficult and important era in the history of this province, when this council had fondly hoped that the appointment of your Excellency to the government of this country, with the accession to the Executive Council appointed for the affairs thereof of gentlemen of integrity and talent, known to possess liberal constitutional principles, would have secured to its inhabitants that wise, just and liberal policy so imperiously demanded, to strengthen the bonds of union between the Mother Country and this colony; this council have with extreme regret and surprise witnessed their just anticipation destroyed by the dissolution of the late Executive Council, and the appointment of another in their stead, composed of gentlemen who, however worthy in their individual private capacity, are incapable, from their well-known political views, of giving satisfaction to the people, and that this council, as the representatives of the inhabitants of the capital of Upper Canada (from this as well as other causes not necessary to be here explained on account of their general notoriety) have no confidence whatever in the present provincial administration, not deeming them competent to advise with the representative of our most gracious Sovereign upon the peace, welfare and prosperity of the province.

Address from
Common Council
to Lieut.-Governor.

We therefore most humbly pray your Excellency to be pleased to dismiss your present advisers, and call to your Council gentlemen possessing the public confidence, as the only measure in the opinion of this Council calculated to insure the tranquillity of the province at the present crisis.

HIS EXCELLENCY'S REPLY.

Mr. Mayor and Gentlemen:—The particular interest which I take in the welfare of this capital, of which I am myself an inhabitant, induces me to reply at some length to the Address I have just received from you, in which you state,

Reply of
Lieut.-Governor to
Common Council.

1st. That you have no confidence in what you term "the present provincial administration; and,

2dly. That you beg leave to name for me other individuals for that station.

With respect to a "provincial administration," although no such power exists in this or any other colony of the British Empire, I may remark, that very shortly after the late addition to the Executive Council, I observed that great efforts were making to delude and persuade the public mind that the new Council were entitled to claim the responsibility, power and patronage of the Lieutenant-Governor, and that such an arrangement would be highly advantageous to the people.

Finding that this new theory was rapidly gaining ground, I resolved to offer it no secret opposition, nor in any way to exert my influence to oppose it; but I determined the very

Appendix.

Reply of
Lieut.-Governor to
Common Council.

first time it should come well within my reach, that I would drag it into daylight, in order that it might be openly, fairly and constitutionally discussed.

From several places I subsequently received Addresses on the subject, which I did not deem it advisable to notice. but to my astonishment there suddenly appeared from a quarter from which I certainly least expected it, namely, from the Executive Council itself, a document (a copy of which had been inscribed in the minutes of the Executive Council, signed by all the six Councillors) openly declaring, that what had secretly been promulgated respecting the powers of the Executive Council, was actually the law of the land!

The question being fairly before me, I deliberately opposed it, accepted the resignation of the six Councillors, and, at the request of the Assembly, I laid before that House the communication I had received from the Council, with my reply.

The subject was thus formally brought before the public; and having performed this duty, I felt comparatively indifferent as to the result; for if the power and patronage of this province, which have hitherto been invested in the Lieut.-Governor, really belong to his Council, I consider that without reluctance they ought at once to be delivered up, and secured to them.

The House of Assembly, however, cannot alter the Constitutional Act of this province, neither can I; and as regards popular meetings, I need hardly observe, that if the inhabitants of the whole province were simultaneously to petition me to alter a single letter of that solemn Act, I have neither power nor inclination to do so.

If it should prove that the practice which has hitherto been pursued is erroneous, I will not for a moment hesitate to acknowledge it; and in that case I should feel it my duty at once to recall to my Council the six members who have resigned; but I cannot be blind to the fact, that the Constitutional Act, which is open to every body, does not create any Executive Council at all.

The members of the late council rest their claims very nearly on the following grounds:—

1st. That the responsibility they assume, being a popular opinion daily increasing, is consequently the law of the land; and,

2d. That though the powers they acquire are no where expressed in the Constitutional Act, they were evidently intended to have been inserted.

I conceive that these arguments do not even require to be refuted; and, with respect to what General Simcoe, or any other Governor, may have asserted, I must also be permitted to assert, that the rights, liberties and property of the inhabitants of this province would be insecure indeed if they rested on any such declarations.

The constitution of this province is the sacred charter of the land; and it is no less my duty, than the interests of its inhabitants, that I should firmly maintain it, as I ever will, inviolate.

If that charter constitutes a "Provincial Ministry," it need only be shown to me to be secured; but I deliberately repeat, that it contains the creation of no such a power, and in my opinion, were it now to be created, it would be productive of the most vicious effects; for, if the power and patronage of the Crown were to be delivered over to a tribunal sworn to secrecy, they would very soon fall into the hands of a few metropolitan families, who might possibly promote their own views, to the rejection of the interests of the distant counties; whereas, while these powers continue invested in the individual appointed by His Majesty to be the Lieutenant Governor of this province, he (being a stranger) can have neither interest nor inducement to abuse them.

No one can be more anxious than I am that this plain constitutional question should be gravely and calmly discussed, for it will be impossible for me to attempt to correct the grievances of the country, until I can prevail upon the legislature to follow me cheerfully in the noble object we have in view; and I certainly do feel most deeply, that, for the sake of the people, those who are invested with power ought manfully to determine to lay aside all private feelings—to forgive and forget all political animosity, and to allow His Majesty's wishes and my instructions to be promptly executed.

With respect to the want of confidence you express in the Council I have just selected, I will only observe, that in my judgment they appear to be sensible steady men of business, of high moral worth; and I cannot but recollect that one of these gentlemen was, only a few weeks ago, actually the mayor of your own city, selected by yourselves as being peculiarly entitled to that public confidence which you now declare is denied to him.

With this moral before your minds, you surely cannot but admit, what a political tempest would continually exist, how the interests of the farmer would be blighted, were the power and patronage of this thinly peopled province to be transferred from His Majesty's Lieutenant Governor into the hands of what you term a "Provincial Ministry" at Toronto.

(E.)

ADDRESS from a Public Meeting held in the City Hall.

To His Excellency Sir Francis Bond Head, K.C.H., &c. &c. &c.

Address from
Public Meeting to
Lieut.-Governor.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the inhabitants of the city of Toronto, assembled under the authority of the mayor of the city, beg respectfully to submit to your Excellency this our Address, containing the expression of our sentiments and feelings in reference

reference to the late changes in the Executive Council, and of the opinions which have been expressed by your Excellency as to the nature of the constitution of this province.

That Colonel Simcoe, the first as well as the ablest and most enlightened Lieutenant-Governor of this province, who was a Member of the Parliament of Great Britain when the Statute 31 Geo. 3. chap. 31, commonly called the Constitutional Act, was passed, was the bearer of that Act to this Colony, and was authorized, undoubtedly, by His Majesty's Government to declare to His faithful subjects in this province, the nature of the Constitution then about to be put into operation for their benefit, and who assured the people of this province from the throne, on the opening of the first Session of the Provincial Parliament, that the said Act had "established the *British Constitution*, and all the forms which secure and maintain it in this distant country," and "that the wisdom and beneficence of our most gracious Sovereign and the British Parliament has been eminently proved, not only in imparting to us the same form of government, but also in securing the benefits of it by the many provisions that guard that memorable Act; so that the blessings of an invaluable constitution thus protected and amplified, they might hope would be extended to the remotest posterity;" and that the same Governor, upon closing that Session, especially enjoined upon the members of the Legislature from the throne to explain to the people of the country, "that this province was singularly blest, not with a mutilated Constitution, but with a Constitution which has stood the test of experience, and was the very image and transcript of that of Great Britain."

That it is an essential and inalienable feature of the British Constitution thus assured to us, that the King shall be assisted in all the affairs of government by the advice of known and responsible councillors and officers who possess the confidence of the people, and of the majority of their representatives, and that our fellow subjects in the United Kingdom would indignantly resent any attempt to deprive them of this part of their constitution, as an infringement upon their most sacred rights and liberties, and a step taken to degrade them to the condition of slaves.

That the recent appointment by your Excellency of the Honourable John Rolph, Robert Baldwin and John Henry Dunn as Executive Councillors, gave universal gladness and satisfaction throughout the province, those gentlemen having been long known, beloved and respected for the talents, acquirements and virtues which adorn their characters, the liberal and patriotic principles that they entertain, and the important services which they have respectively rendered to the people of this province, and that the selection of them by your Excellency, as your advisers, disposed His Majesty's subjects to hope that a new and happy era had at length arrived in the history of this province.

That we have learned with surprise and sorrow, that those gentlemen, together with the former members of your Excellency's Council, have found themselves under the necessity of resigning their seats; and that your Excellency appears to us to have taken offence for no other reason than the respectful expression of an opinion in favour of the government being conducted on the acknowledged principles of the British Constitution; an opinion supported by unanswerable arguments, and which they were bound by every obligation of honour and duty, as faithful Councillors, to express to your Excellency.

That our most sincere respect and gratitude are due to those gentlemen and their late colleagues in your Excellency's Council, for the noble efforts which they made in the honourable and upright discharge of their duties, to secure to the people of this province the practical benefit and faithful application of constitutional principles of the highest importance to their liberty and prosperity; and that we are solemnly called upon at such a crisis to declare our firm and unalterable determination to resist every attempt to *mutilate* and deform our constitution by the denial of those principles, or the refusal of the full benefit and practical operation of them, and that the people of this province will never, in our humble opinion, be content with a system that is only a mockery of a free and *responsible* government.

That we feel it our bounden duty to declare to your Excellency, that the gentlemen whom your Excellency has called to your Council, since the resignation of your late Council, do not in any degree possess the confidence of the people of Upper Canada.

We further humbly express our disappointment and regret at the remarks which your Excellency has, by evil and unknown advisers, been induced to animadvert upon the circumstances under which your Excellency caused your late Council to resign; and that respect which it is equally our duty and inclination to pay to the representative of our most gracious Sovereign, forbids our declaring on this painful occasion any other feeling than that of an earnest hope that the persons, whoever they may be, who have been guilty of such an abuse of your Excellency's confidence, may be for ever discarded by your Excellency.

In conclusion, we beg leave to state to your Excellency, that, as subjects of the British Empire, we claim all the rights and privileges of the British Constitution; and, as subjects of a British colony possessing the powers of self-government, given to it by the parent State, we claim our right that the Representative of the Crown shall be advised in all our affairs by men known to, and possessing the confidence of the people; and, as the true friends of His Majesty's Government, and to the permanency of our connexion with the parent state, we earnestly entreat your Excellency to regard our opinions and remonstrances (firmly, though we hope respectfully, expressed), and to adopt measures to calm the present extraordinary state of public excitement, aggravated by the high hopes created in the public mind by the removal of Sir John Colborne, and the appointment of your Excellency to the head of the administration.

Toronto, March 25, 1836.

By order of the Meeting,
(signed.) *T. D. Morrison*, Mayor.
James Leslie, Secretary. Chairman.

Appendix.

Address from Public Meeting to Lieut.-Governor.

Appendix.

His Excellency's
Reply to Address
from Public
Meeting, Toronto.

HIS EXCELLENCY'S REPLY.

GENTLEMEN,—Having reason to believe that the Meeting from which you are deputed, was composed principally of the industrious classes, and being persuaded that the liberal principle of the British Government, in whatever climate it may exist, is the welfare and happiness of the people, I shall make it my duty to reply to your Address with as much attention as if it had proceeded from either of the branches of the Legislature, although I shall express myself in plainer and more homely language.

1st. I have no wish to deny "that Colonel Simcoe was the first as well as the ablest and most enlightened Governor of this province; that he was a Member of Parliament when the Statute 31st Geo. 3, chap. 31, commonly called the Constitutional Act, was passed; and that he was the bearer of that Act to this colony." But I ask you, Can this possibly alter the solemn Act itself? for surely your own plain good sense will tell you, that Colonel Simcoe had no more power, either during his voyage or on his arrival here, to alter the charter committed to his charge, than I had power to alter the instructions which I lately delivered from His Majesty to both Houses of your Legislature; and so, if Colonel Simcoe, instead of saying that the constitution of this province "was the very image and transcript of that of Great Britain," had thought proper to compare it to the arbitrary governments of Russia or Constantinople, it would in no way have injured your liberties, or have altered one single letter of the written charter of your land.

2d. I have no wish to deny "that in the British constitution the King is assisted in all the affairs of government by the advice of known and responsible Councillors, and officers who possess the confidence of the people," and who form His Majesty's Cabinet; but Colonel Simcoe, who yourselves state "was authorized undoubtedly by His Majesty's Government to declare to His faithful subjects in this province the nature of the constitution," created no such Cabinet, nor any cabinet at all; and from his day down to the present hour there has never existed any ministry in the colony, except the Governor, who is himself the responsible minister of the Crown.

Supposing it were to be argued that four-fifths of the members of your House of Assembly ought immediately to be dismissed, because, in proportion to the population of Great Britain and Ireland, there exists five times as many members here as in the English House of Commons, would you not think it very irrational that this noble but thinly-peopled colony should be made "the exact image and transcript" of the British constitution merely because Colonel Simcoe happened to use these words? Would you not immediately appeal to your Constitutional Act on the subject?

Would you deem it just that a young rising province like this should be afflicted with the same expensive machinery requisite for the government of the Mother Country, 4,000 miles off?

Would you not very fairly argue, that as the whole population of this immense country exceeds only by one-third that of the single parish of St. Mary-le-bone in London, and as the whole of its revenue does not equal the private fortune of many an English commoner, it would be unreasonable to expect that the people of this province should be ruined in vainly attempting to be the "exact image and transcript" of the British Constitution?

But the Constitution which His Britannic Majesty George the Third granted to this province, ordained no such absurdities; and you have only to read that Constitution, to see quite clearly the truth of this assertion.

The yeomen and industrious classes of Upper Canada should never allow a single letter to be subtracted from or added to this great charter of their liberties; for if once they permit it to be mutilated, or what may be termed improved, they and their children become instantly liable to find themselves suddenly deprived of their property, and, what is better than all property, of their freedom and independence.

By this Act, you are of course aware that a House of Assembly, a Legislative Council, and a Lieutenant Governor are appointed; but it creates no Executive Council; and if people tell you that it does, read the Act, and you will see the contrary.

Now as regards the House of Assembly, you must know, that being your representatives, they are of course answerable to you for their conduct; and as regards the Lieutenant-Governor, I publicly declare to you, that I am liable to dismissal in case I should neglect your interests.

But, contrary to the practice which has existed in this or in any other British colony, contrary to Colonel Simcoe's practice, or to the practice of any other Lieutenant-Governor who has ever been stationed in this province, it has suddenly been demanded of me, that the Executive Council are to be responsible for my acts; and because I have refused, at a moment's warning, to surrender that responsibility which I owe to the people, whose real interests I will never abandon, I find that every possible political effort is now making to blind the public mind, and to irritate its most violent passions.

But I calmly ask, what can be the secret reason of all this? Is it usual for one person to insist on bearing another person's blame? or for a body of men to insist on receiving the punishment incurred by an individual superior to them in station? Why, therefore, should my Council, whose valuable advice, if it were not to be forced upon me, I should be most anxious to receive, be required to demand from me my responsibility? What reason can exist for attempting to deprive me of the only consolation which supports any honest man in an arduous duty, namely, the reflection that he is ready to atone for every error he commits, and that he is subject to arraignment if he offends? Why should it be declared that responsibility would be more perfect with my Council than with me? Are they purer
from

from party feelings, or less entangled with their family connexions than I am? How can gentlemen who have sworn to be dumb, be responsible to the yeomanry and people of this rising province? How could they possibly undertake to administer this government with mouths sealed by an oath which forbids them to disclose to any one the valuable advice they may conscientiously impart to me?

The answer to these questions is very short. The political party which demand responsibility for my Council know perfectly well that the power and patronage of the Crown are attached to it; and it is too evident, that if they could but obtain this marrow, the empty bone of contention, namely, responsibility to the people, they would soon be too happy to throw away; and from that fatal moment would all those who nobly appreciate liberty, who have property to lose, and who have children to think of, deeply lament that they had listened to sophistry, had been frightened by clamour, and had deserted the representative of our gracious Sovereign, to seek British justice from his mute, but confidential advisers. This supposition, however, I will not permit to be realized; for never will I surrender the serious responsibility I owe to the people of this province: and I have that reliance in their honesty—I have lived so intimately with the yeomanry and industrious classes of our revered Mother Country, that I well know, the more I am assailed by faction, the stronger will be their loyal support; and that if intimidation be continued, it will soon be made to recoil upon those who shall presume to have recourse to it.

The grievances of this province *must* be corrected—impartial justice *must* be administered; the people have asked for it: their Sovereign has ordained it. I am here to execute His gracious commands; delay will only increase impatience. Those, however, who have long lived upon agitation, already too clearly see their danger; and with surprising alacrity they are now taking every possible measure to prevent me from rooting up the tree of abuse, because they have built and feathered their nests in its branches. They asked, however, for the operation, and to amputation they must very shortly submit; for “what’s worth doing, should always be done well.”

I have come here for the avowed purpose of reform, but I am not an agitator; and by command of our gracious Sovereign, I will maintain the constitutional liberties of His subjects in this province, and at the same time encourage, to the utmost of my power, internal wealth, agriculture, commerce, peace and tranquillity.

With respect to my late Council, I regret, quite as much as you can do, their resignation; but before they took the oath of secrecy, (which appears to my judgment to be an oath of non-responsibility to the people), I addressed to them a note, which clearly forewarned them, as follows:—“*I shall rely on your giving me your unbiassed opinion on all subjects respecting which I may feel it advisable to require it.*”

Three weeks after they had joined the Council, they altogether, in a body, disputed this arrangement; and accordingly we parted on a matter of dry law.

No one can deny that my view of the subject agrees with the practice of Colonel Simcoe, and of all the succeeding Governors of this province, down to the day of Sir John Colborne’s departure; but that is no proof whatever that the practice has been right; and if you would prefer to form your own opinion of the law, read the Constitutional Act.

With respect to my new Council, whose high moral character I cannot but respect, I shall consult them as unreservedly as I had promised to consult those who have just resigned; and if any competent tribunal shall pronounce that they are responsible for my conduct, no one will be a greater gainer than myself by the decision.

In the meanwhile I shall deal openly and mildly with all parties; and I trust that I can give you no better proof of my own intention to be governed by reason than the explanation I have just offered to yourselves, the citizens and industrious classes who attended the Toronto Meeting.

(True Copies.)

(signed) J. Joseph.

(F)

In the Name and on the behalf of HIS MAJESTY.

GEORGE P. R.

INSTRUCTIONS to our right trusty and right entirely beloved Cousin and Councillor *Charles Duke of Richmond*, Knight of the Most Noble Order of the Garter, General of our Forces, Our Captain-General and Governor-in-Chief in and over Our Province of Upper Canada in America, or, in his absence, to the Lieutenant-Governor or Commander-in-Chief of Our said Province for the time being. Given at Our Court at Carlton House, the ninth day of May 1818, in the fifty-eighth year of Our Reign.

The King’s
Instructions.

Charles Duke of Richmond, K. G.

(Instructions.)

1. WITH these Our Instructions you will receive Our Commission, under Our Great Seal of Our United Kingdom of Great Britain and Ireland, constituting you Our Captain-General and Governor-in-Chief in and over Our Provinces of Upper Canada and Lower Canada, bounded as in Our said Commission is particularly expressed. In the execution therefore of so much of the office and trust We have reposed in you as relates to Upper

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Canada, you are to take upon you the administration of the Government of the said province, and to do and execute all things belonging to your command according to the several powers and authorities of Our said Commission, under Our Great Seal of Our United Kingdom of Great Britain and Ireland, and of the Act passed in the thirty-first year of Our reign therein recited, and of these Our Instructions to you, and according to such further Powers and Instructions as you shall at any time hereafter receive under Our signet and sign manual, by Our order in Our Privy Council.

2. And you are with all due solemnity before the members of Our Executive Council to cause Our said Commission to be read and published, which, being done, you shall then take and also administer to each of the members of Our said Executive Council the several oaths, and subscribe to the declaration therein required.

3. You shall also administer, or cause to be administered, the oaths mentioned in Our said Commission to all persons, except as hereafter mentioned, that shall be appointed to hold or exercise any office, place of trust, or profit in our said province, previous to their entering on the duties of such office, and you shall also cause them to make and subscribe the aforesaid declaration; but in cases where any such office, place of trust, or profit in Our said province of Upper Canada, shall be conferred on any of Our subjects who may profess the religion of the Church of Rome, you shall, so often as any such person shall or may be admitted into any such office, place of trust or profit, administer, or cause to be administered, to him the oath prescribed in and by an Act of Parliament passed in the fourteenth year of Our reign, intituled, "An Act for making more effectual Provision for the Government of the Province of Quebec in North America;" and also the usual oath for the execution of such office, place of trust or profit in lieu of all other tests and oaths whatsoever.

4. Whereas We have thought fit that there should be an Executive Council for assisting you Our Lieutenant-Governor or person administering the government of our said province of Upper Canada for the time being; We do by these Presents nominate and appoint the undermentioned persons to be of the Executive Council of Our said province of Upper Canada, viz., William Dummer Powell, Esq., Our Chief Justice, or the Chief Justice of Our said province for the time being, Jacob Lord Bishop of Quebec, James Baby, Samuel Smith, the Rev. John Strachan, D.D., and William Clause, Esq.: And whereas by an Order passed in the province of Quebec, the Governor and Council were constituted a Court of Civil Jurisdiction for hearing and determining appeals in certain cases therein specified: And whereas by an Act passed in the thirty-first year of Our reign, it is declared, that the Governor, Lieutenant-Governor, or person administering the government of the said province, together with such Executive Council, shall be a Court of Civil Jurisdiction within Our said province for hearing and determining appeals within the same, in the like cases and in the like manner, and from and subject to such appeal therefrom as such appeals might have been before the passing of the above recited Act, heard and determined by the Governor and Council of Quebec; in order, therefore, to carry the said Act into execution, Our will and pleasure is, that you do in all civil causes, on application being made to you for that purpose, permit and allow appeals from any of the Courts of Common Law in Our said province unto you, and the Executive Council of the said province of Upper Canada in manner prescribed by the above-mentioned Act; and you are for that purpose to issue a writ as nearly in the accustomed manner before the passing of the above-mentioned Act in respect of such appeals as the case will admit, returnable before yourself and the Executive Council of the said province, who are to proceed to hear and determine such appeal, wherein such of the Executive Council as shall be at that time Judges of the Court from whence such appeal shall be so made to you and to Our said Executive Council as aforesaid, shall not be admitted to vote upon the said appeal; but they may nevertheless be present at the hearing thereof to give the reasons of the judgment given by them in the causes wherein such appeal shall be made: Provided nevertheless, That in all such appeals the sum or value appealed for do exceed the sum of 300*l.* sterling, and that security be first duly given by the appellant to answer such charges as shall be awarded; in case the first sentence be affirmed, and if either party shall not rest satisfied with the judgment of you and such Executive Council as aforesaid, Our will and pleasure is, that they may then appeal unto Us in Our Privy Council, provided the sum or value so appealed for unto Us do exceed 500*l.* sterling, and that such appeal be made within fourteen days after sentence, and good security be given by the appellant, that he will effectually prosecute the same and answer the condemnation, as also pay such costs and damages as shall be awarded by Us, in case the sentence of you and the Executive Council be affirmed: Provided nevertheless, where the matter in question relates to the taking or demanding any duty payable to Us, or to any fee of office or annual rents, or other such like matters or things where the rights in future may be bound. In all such cases you and the said Executive Council are to admit an appeal to Us in Our Privy Council, though the immediate sum or value appealed for be of a less value. And it is Our further will and pleasure, that in all cases where by your Instructions you are to admit appeals unto Us in Our Privy Council, execution shall be suspended until the final determination of such appeal, unless good and sufficient security be given by the appellee to make ample restitution of all that the appellant shall have lost by means of such decree or judgment; in case upon the determination of such appeal, such decree or judgment should be reversed and restitution awarded to the appellant. You and Our Executive Council are also to admit appeals unto us in Our Privy Council, in all cases of fines imposed for misdemeanors, provided that the fine so imposed amount to or exceed the sum of 100*l.* sterling,

sterling, the appellant first giving good security that he will effectually prosecute the same, and answer the condemnation if the sentence by which the fine was imposed in your government shall be confirmed.

5. And that we may be always informed of the names and characters of persons fit to supply the vacancies which may happen in Our said Executive Council, you are, in case of any vacancy in Our said Council, to transmit to Us through one of Our Principal Secretaries of State, the names and characters of such three persons, inhabitants of Our said province of Upper Canada, whom you may esteem best qualified for fulfilling the trust of such Executive Council.

6. And in the choice and selection of such persons proposed to fill such vacancy in Our said Executive Council, as also of the chief officers of justice, you are always to take care that they be men of good life, well affected to Our Government, and of abilities suitable to their employment.

7. And whereas We are sensible that effectual care ought to be taken to oblige the members of Our Executive Council to a due attendance; it is Our will and pleasure, in order to prevent the many inconveniences that may happen for want of a quorum of the Council to transact business as occasion may require, that if any of the members of Our said Executive Council residing in Our said province shall hereafter wilfully absent themselves from the province, and continue absent above the space of six months together, without leave from you first obtained under your hand and seal, or shall remain absent for the space of one year without Our leave given them under Our royal signature, their places in the said Executive Council shall immediately thereupon become void. And We do hereby will and require you that this Our royal pleasure be signified to the several members of Our said Executive Council, and that it be entered in the Council Books as a standing rule.

8. And to the end that Our said Executive Council may be assisting to you in all affairs relating to Our service, you are to communicate to them such and so many of these Our Instructions wherein their advice is mentioned to be requisite, and likewise all such others from time to time as you shall find convenient for Our service to be imparted to them.

9. You are to permit the members of Our said Executive Council to have and enjoy freedom of debate, and vote in all affairs of public concern which may be debated in the said Executive Council.

10. And whereas by the aforesaid recited Act, passed in the thirty-first year of Our reign, it is provided, that the seats of the members of Our Legislative Council shall become vacant in certain cases mentioned in the said Act, it is Our will and pleasure that if any member of Our said Legislative Council shall at any time leave Our said province and reside out of the same, you shall report the same to Us, by the first opportunity, through one of Our Principal Secretaries of State, and you are also in like manner to report whether such member of the said Council is absent by your permission or by the permission of Our Lieutenant-Governor or Commander-in-Chief of the said province for the time being; and you are also in like manner to report, if it shall come to your knowledge, that any such member shall at any time take or have taken the oath of allegiance or obedience to any foreign prince or power, or shall be attainted for treason in any Court of Law within any of Our dominions, that We may take such measures thereupon as We shall think fit; and you are to take especial care that the several provisions of the said Act respecting the several cases in which persons may or may not be entitled to receive writs of summons to the said Legislative Council, and to hold their places therein, shall be duly executed.

11. And for the execution of so much of the powers vested in you by our said Commission, and by virtue of the said Act, as relates to the declaring that you assent in Our name to Bills passed by the Legislative Council and House of Assembly, or that you withhold our assent therefrom, or that you reserve such Bills for the signification of Our royal pleasure thereon; it is Our will and pleasure that you do carefully observe the following rules, directions and instructions:—viz.

That the style of enacting all the said laws, statutes and ordinances be by Us, Our heirs and successors, by and with the advice and consent of the Legislative Council and Assembly of Our province of Upper Canada, constituted and assembled by virtue and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America,' and to make further provision for the Government of the said Province," and that no Bill in any other form shall be assented to by you in Our name. That each different matter be provided for by a different law, without including in one and the same Act such things as have no proper relation to each other.

That no clause be inserted in any Act or Ordinance which shall be foreign to what the title of it imports, and that no perpetual clause be part of any temporary law.

That no law or ordinance whatever be suspended, altered, continued, reviewed, or repealed in general words, but that the title and date of such law or ordinance shall be particularly mentioned in the enacting part.

That in case any law or ordinance respecting private property shall be passed without a saving of the right of Us, Our heirs and successors, and of all persons or bodies politic or corporate, except such as are mentioned in the said law or ordinance, you shall declare that you withhold Our assent from the same; and if any such law or ordinance shall be passed without such saving, you shall in every such case declare that you reserve the same for the signification of Our royal pleasure thereon.

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That in all laws or ordinances for levying money, or imposing fines, forfeitures or penalties, express mention be made that the same is granted or reserved to Us, Our heirs and successors, for the public uses of the said province and the support of the government thereof as by the said law shall be directed; and that a clause be inserted, declaring that the due application of such money, pursuant to the directions of such law, shall be accounted for unto Us through Our Commissioners of Our Treasury for the time being, in such manner and form as we shall direct.

12. And whereas We have by Our said Commission given you full power and authority, subject as therein is specified and to these Our Instructions in that behalf, to issue writs of summons and election, and to call together the Legislative Council and Assembly of Our said province of Upper Canada; and for the purpose of electing the Members of the Assembly of Our said province of Upper Canada, have also given you full power and authority to issue a proclamation, dividing our said province of Upper Canada into districts or counties, or circles, and towns or townships, and declaring and appointing the number of representatives to be chosen by each of such districts or counties, or circles, and towns and townships; Now Our will and pleasure is, that you shall issue such proclamation as soon as may be, allowing nevertheless a reasonable time between the issuing thereof and the time of issuing the writs of summons and election above mentioned.

13. That all laws assented to by you in Our name, or reserved for the signification of Our royal pleasure shall, when transmitted by you, be fairly abstracted in the margins, and accompanied with very full and particular observations upon each of them; that is to say, whether the same is introductory to a new law declaratory of a former law, or does repeal a law then before in being; and you are also to transmit in the fullest manner the reasons and occasion for proposing such laws, together with fair copies of the journals and minutes of the proceedings of the said Legislative Council and Assembly, which you are to require from the clerks or other proper officers in that behalf, of the said Legislative Council and Assembly.

14. And whereas in the said Act it is provided that in certain cases Acts passed by the Legislative Council and Assembly of the province shall, previous to any signification of Our assent thereto, be laid before both Houses of Our Parliament of this Kingdom; and whereas it is also provided in the said Act, that in certain cases provision may be made by the Acts of the Legislative Council and Assembly of the province, assented to by Us, Our heirs and successors (thereby reserving the power of giving such assent to Us, Our heirs and successors only), you are to take especial care that in every such case you are to declare that you reserve such Bills for the signification of Our pleasure thereon; and you will likewise reserve for such signification every other Bill which you shall consider to be of an extraordinary or unusual nature, or requiring Our especial consideration and decision thereupon, particularly such as may affect the property, credit or dealings of such of Our subjects as are not usually resident within Our said province, or whereby duties shall be laid upon British or Irish shipping, or upon the produce or manufactures of Great Britain or Ireland.

15. And whereas laws have been formerly enacted in several of Our plantations in America for so short a time that Our royal assent or refusal thereof could not be had before the time for which such laws were enacted did expire, you shall not assent in Our name to any law that shall be enacted for a less time than two years, except in cases of imminent necessity or immediate temporary expediency; and you shall not declare Our assent to any law containing provisions which shall have been disallowed by Us, without express leave for that purpose first obtained from Us, upon a full representation by you to be made to Us, through one of Our Principal Secretaries of State, of the reasons and necessity of passing such law.

16. Whereas We have thought fit by Our Orders in Our Privy Council to disallow certain laws passed in some of our colonies and plantations in America for conferring the privileges of naturalization on persons being aliens, and for divorcing persons who have been legally joined together in holy marriage; and whereas Acts have been passed in others of Our said colonies to enable persons who are Our liege subjects by birth or naturalization to hold and inherit lands, tenements and real estates, although such lands, tenements and real estates had been originally granted to or purchased by aliens antecedent to naturalization; It is Our will and pleasure that you do not upon any pretence whatsoever give your assent to any Bill or Bills that may hereafter be passed by the Legislative Council and Assembly of the said province under your government for the naturalization of aliens, nor for the divorce of persons joined in holy marriage, nor for establishing a title in any person to lands, tenements or real estates in Our said province originally granted to or purchased by aliens antecedent to naturalization.

17. You are to give warrants under your hand for the issuing of public monies for all public services, and We do particularly require you to take care that regular accounts of all receipts and payments of public monies be duly kept; that the same from time to time be duly audited by our Executive Council, and that copies thereof, attested by you, be transmitted every half-year, or oftener, if there should be occasion, to Our Commissioners of Our Treasury or to Our High Treasurer for the time being, and duplicates thereof by the next conveyance; in which accounts shall be specified every particular sum raised or disposed of, to the end that We may take such measures as We may deem necessary for the examination of the said accounts, and that We may be satisfied of the right and due application of the revenues of Our said province of Upper Canada, and with the probability of the increase or diminution of it under every head and article thereof.

18. Whereas

18. Whereas by an Act of the Parliament of Great Britain, passed in the fourth year of Our reign, intituled, "An Act to prevent Paper Bills of Credit hereafter to be issued in any of His Majesty's Colonies and Plantations in America from being declared to be a legal Tender in payment of Money, and to prevent the legal Tender of such Bills as are now subsisting from being prolonged beyond the Periods limited for calling in and sinking the same," it is enacted, that no paper bills or bills of credit should be created or issued by an act, order, resolution or vote of Assembly, in any of Our colonies or plantations in America, to be a legal tender in payment; and that any such act, order, resolution or vote for creating or issuing such paper bills, or bills of credit, or for prolonging the legal tender of any such then subsisting and current in any of the said colonies and plantations, should be null and void; and whereas by another Act of Our said Parliament, passed in the thirteenth year of Our reign, intituled, "An Act to explain and amend the above recited Act," passed in the fourth year of Our reign as aforesaid, it is enacted, that any certificates, notes, bills or debentures which shall or may be voluntarily accepted by the creditors of the public within any of the colonies of America as security for the payment of what is due and owing to the said public creditors, may be made and enacted by the General Assemblies of the said colonies respectively, to be a tender to the public treasurers in the said colonies, for the discharge of any duties, charges or debts whatsoever, due to and payable at or in the said public treasuries of the said colonies, in virtue of laws passed within the same, and in no other case whatsoever: It is Our will and pleasure, that you do in all things conform yourself to the provisions of the said recited Acts, both with respect to the not assenting to any bills which may be presented to you for the purpose of issuing or creating paper bills or bills of credit to be a legal tender in payment; and the assenting to any bills by which such certificates, notes or debentures which may be voluntarily accepted in payment by the public creditors, shall be made a legal tender to the Treasury for taxes, duties and other payments to the public treasury.

19. You shall not remit any fines or forfeitures whatsoever above the sum of 10*l.*, nor dispose of any forfeitures whatsoever, until, upon signifying unto the Commissioners of Our Treasury or Our High Treasurer for the time being, the nature of the offence and the occasion of such fines and forfeitures, with the particular sums or value thereof, which you are to do with all speed, you shall have received Our directions thereon; but you may in the mean time suspend the payment of the said fines and forfeitures.

20. And you are on every occasion to transmit to Us, through one of Our Principal Secretaries of State (with all convenient speed), a particular account of all new establishments of jurisdiction, courts, offices and officers, powers, authorities, fees and privileges, granted and settled within Our said province of Upper Canada; as likewise an account of all expenses (if any) attending the establishment of the said courts and offices.

21. It is Our further will and pleasure, that all commissions to be granted by you to any person or persons to be Judge, Justice of the Peace or other necessary officer, be granted during pleasure only.

22. You are not to suspend any of the Members of the said Executive Council, or to suspend or displace any of the Judges, Justices, Sheriffs or other officers or ministers within Our said province of Upper Canada, without good and sufficient cause; and in case of such suspension or removal, you are forthwith to transmit your reasons for the same to one of Our Principal Secretaries of State.

23. And whereas frequent complaints have been made of great delays and undue proceedings in the courts of justice in several of Our plantations, whereby many of Our good subjects have very much suffered, and it being of the greatest importance to Our service and to the welfare of Our plantations be every where speedily and duly administered, and that all disorders, delays, and other undue practices in the administration thereof be effectually prevented, We do particularly require you to take especial care that in all courts where you are authorised to preside, justice be impartially administered; and that in all other courts established within Our said province, all Judges and other persons therein concerned do likewise perform the several duties without delay or partiality.

24. You are to take care that no court of judicature be adjourned but upon good grounds, as also that no orders of any court of judicature be entered or allowed which shall not be first read and approved of by the Justices in open court; which rule you are in like manner to see observed with relation to all proceedings of Our Executive Council of Upper Canada, and that all orders there made be first read and approved in such Council before they are entered upon the Council Books.

25. You are to take care that all writs within the said Province of Upper Canada be issued in Our name.

26. You shall take care, with and by the advice and assistance of Our Executive Council, that such prisons as may at any time be necessary be erected, and that the same or any other already erected be kept in such a condition as may effectually secure the prisoners which now are or may hereafter be confined in them.

27. You shall not suffer any person to execute more offices than one by deputy.

28. You shall not, by colour of any power or authority, hereby or otherwise granted or mentioned to be granted unto you, give, grant or dispose of any place or office within Our said province, which now is or shall be granted under the Great Seal of this kingdom, or to which any person is or shall be appointed, by warrant under Our signet and sign manual, any further than that you may, upon the vacancy of any such office or place, or upon the suspension of any such officer by you as aforesaid, put in any fit person to officiate in the interval till you shall have represented the matter unto Us, through one of Our Principal Secretaries

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Secretaries of State, which you are to do by the first opportunity, and till the said office or place is disposed of by Us, Our heirs or successors, under the great seal of this kingdom, or until some person shall be appointed thereunto, under Our signet and sign manual, or until Our further directions be given therein. And it is Our express will and pleasure that you do give reasonable support to the patent officers in the enjoyment of their legal and established fees, rights, privileges and emoluments, according to the true intent and meaning of their respective patents.

29. And whereas several complaints have been made by the officers of Our customs in Our plantations in America, that they have frequently been obliged to serve on juries, and personally to appear in arms whenever the militia is drawn out, and thereby are much hindered in the execution of their employments; Our will and pleasure is, that you take especial care and give the necessary directions that the several officers of Our customs be excused and exempted from serving on any juries, or personally appearing in arms in the militia, unless in cases of absolute necessity, or serving any particular offices which may hinder them in the execution of their duties.

30. And whereas nothing can more effectually tend to the speedy settling of Our said province of Upper Canada, the security of the property of Our subjects and the advancement of Our revenue, than the disposal of such lands as are Our property, upon good and reasonable terms, and the establishing of a regular and proper method of proceeding, with respect to the passing of grants of such lands; It is Our will and pleasure that all and every person or persons who shall apply for any grant or grants of land, shall, previous to their obtaining the same, make it appear that they are in a condition to cultivate and improve the same; and in case you shall, upon a consideration of the circumstances of the person or persons applying for such grants, think it advisable to pass the same, you are in such case to cause a warrant to be drawn up, directed to the Surveyor-General, or other officer, empowering him or them to make a faithful and exact survey of the lands so petitioned for, and to return the said warrant within six months at farthest from the date thereof, with a plot or description of the lands so surveyed thereunto annexed; and when the warrant shall be returned by the said Surveyor or other proper officer, the grant shall be made out in due form, and the terms and conditions required by these Our Instructions, be particularly and expressly mentioned therein. And it is Our will and pleasure that the said grants shall be registered, within six months from the date thereof, in the Register's office, and a docket thereof be also entered in Our Auditor's office; copies of all which entries shall be regularly returned by the proper officer to Our Commissioners of Our Treasury.

31. And for the further encouragement of Our subjects, it is Our will and pleasure that the lands to be granted by you, as aforesaid, shall be laid out in townships, and that each inland township shall, as nearly as circumstances will admit, consist of ten miles square, and such as shall be situated upon a navigable river or water shall have a front of nine miles, and be twelve in depth, and subdivided in such manner as shall be found most advisable for the accommodation of the settlers, and for the making the several reservations for the public uses, and particularly for the support of the Protestant clergy, agreeably to the above-recited Act, passed in the 31st year of Our reign.

32. And because great inconveniences have heretofore arisen in many of Our colonies in America, from the granting excessive quantities of land to particular persons, who have never cultivated or settled the same, and have thereby prevented others more industrious from improving such lands; in order therefore to prevent the like inconveniences in future, it is Our will and pleasure that you observe the following directions and regulations in all grants to be made by you as aforesaid, (that is to say):

That no town-lot shall be granted to any one person being master or mistress of a family in any township so to be laid out which shall contain more than one acre; that no park-lot shall be granted to any one person being master or mistress of a family in any township so to be laid out which shall contain more than 24 acres; that no farm-lot shall be granted to any one person being master or mistress of a family in any township so to be laid out which shall contain more than 200 acres.

It is Our will and pleasure, and you are hereby allowed and permitted to grant unto every such person and persons such farther quantity of land as they may desire, not exceeding 1,000 acres over and above what may heretofore have been granted to them; and in all grants of land to be made by you as aforesaid you are to take care that due regard be had to the quality and comparative value of the different parts of land comprised within any township, so that each grantee may have as nearly as may be a proportionate quantity of lands of such different quality and comparative value, as likewise that the breadth of such tract of land to be hereafter granted be one-third of the length of such tract, and that the length of such tract do not extend along the banks of any river but into the main land, that thereby the said grantees may have each a convenient share of what accommodation the river may afford for navigation or otherwise.

33. And as a further accommodation to Our subjects who shall become settlers as aforesaid, it is Our will and pleasure that the said townships and the respective allotments within the same, together with the lands to be reserved as aforesaid, shall be seen and laid out by Our Surveyor-General of Lands for the said province, or some skilful person authorised by him for that purpose, which surveys, together with the warrants and grants and the respective allotments, shall be made out for and delivered to the several grantees free of any expense or fee whatever other than such as may be payable to the different officers according to the table of fees established upon grants of land made in the said province.

34. And

34. And in order to prevent any persons disaffected to Us and Our Government from becoming settlers in Our said province of Upper Canada, it is Our will and pleasure that no warrant for surveying lands be granted by you or the Lieutenant-Governor, or person administering the government for the time being, unless the person or persons so applying for the same do, at the time of making such application, besides taking the usual oaths directed by law, also make and subscribe the following declaration in your or his presence, or in the presence of such person or persons as shall by you or him be appointed for that purpose (that is to say);—

“I, A. B., do promise and declare, that I will maintain and defend to the utmost of my power the authority of the King in His Parliament, as the supreme legislature of this province.”

35. Whereas the reserving of such bodies of land within Our province of Upper Canada, where there are considerable growths of timber fit for the use of Our royal navy, is a matter of the utmost importance to Our service; it is Our will and pleasure that no grants whatever be made of lands in any district or tract of Our said province of Upper Canada until Our Surveyor-General or his deputy, lawfully appointed, shall have surveyed the same, and marked out as reservations to Us, Our heirs and successors such parts thereof as shall be found to contain any considerable growth of masting or other timber fit for the use of Our royal navy, and more especially upon the rivers; and you are hereby intrusted to direct Our Surveyor-General of Lands in Our said province from time to time with all due diligence to complete the surveys and mark out the reservations as aforesaid, in the most convenient parts of Our said province; and you are from time to time to report the number, extent and situation of such reservations; and you are further to direct Our Surveyor-General not to certify any plots of ground ordered and surveyed for any person or persons in order that grants may be made out for the same, until it shall appear to him by a certificate under the hand of Our Surveyor-General of Woods, or his deputy, that the land so to be granted is not part of, nor included in, any district marked out as a reservation for Us, Our heirs and successors as aforesaid for the purpose hereinbefore mentioned; and in order to prevent any deceit or fraud being committed by the persons applying for lands in this respect, it is Our will and pleasure that in all grants to be hereafter made for lands within Our said province of Upper Canada, the following proviso and exceptions be inserted; that is to say, “And provided also, that no part of the parcel or tract of land hereby granted to the said _____ and his heirs, be within any reservation heretofore made and marked for Us, Our heirs and successors by Our Surveyor-General of Woods or his lawful deputy; in which case this Our grant for such part of the land hereby given and granted to the said _____ and his heirs for ever as aforesaid, and which shall, upon a survey thereof being made, be found within any such reservation, shall be null and void and of none effect, anything herein contained to the contrary notwithstanding.”

36. And whereas it is necessary that all persons who may be desirous of settling in Our said province should be fully informed of the conditions and terms upon which lands will be granted within Our said province of Upper Canada in the manner prescribed in and by the said Act passed in the thirty-first year of Our reign; you are therefore, as soon as possible, to cause a publication to be made by proclamation or otherwise, as you shall in your discretion think most advisable, of the said terms and conditions respecting the granting of lands; in which proclamation it may expedient to add some short description of the natural advantages of the soil and climate, and its peculiar convenience for trade and navigation.

37. And it is Our further will and pleasure that all the foregoing Instructions to you as well as any which you may hereafter receive relative to the passing grants of land, in conformity to the said Act passed in the thirty-first year of Our reign, be entered upon record for the information and satisfaction of all parties whatever that may be concerned therein.

38. And whereas it hath been represented to Us, that many parts of the province under your government are particularly adapted to the growth and culture of hemp and flax; it is therefore Our will and pleasure that in all surveys for settlements the Surveyor be directed to report whether there are any or what quantity of lands contained within such surveys for the production of hemp and flax.

39. And whereas it has been represented to us that several parts of Our said province of Upper Canada have been found to abound with coals; it is Our will and pleasure that in all grants of land to be made by you a clause be inserted reserving to Us, Our heirs and successors all coals and also all mines of gold, silver, copper, tin, iron and lead which shall be discovered upon such lands.

40. You shall cause a survey to be made of all considerable landing places or harbours in Our said province, in case the same shall not already have been done, and report to Us by one of Our Principal Secretaries of State how far any fortifications be necessary for the security and advantage of the said province.

41. Whereas the establishment of proper regulations on matters of ecclesiastical concern is an object of very great importance, it will be your indispensable duty to take care that no arrangements in regard thereto be made, but such as may give full satisfaction to Our new subjects in every point in which they have a right to any indulgence on that head; always remembering that it is a toleration of the free exercise of the religion of the Church of Rome only to which they are entitled, but not to the powers and privileges of it as an established church, that being a preference which belongs only to the Protestant Church of England.

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42. And upon the principles, therefore, and to the end that Our just supremacy in all matters ecclesiastical as well as civil may have its due scope and influence;

It is Our will and pleasure, First, that all appeals to a correspondence with any foreign ecclesiastical jurisdiction, of what nature or kind soever, be absolutely forbidden under very severe penalties.

Secondly, That no episcopal or vicarial power be exercised within Our said province by any person professing the religion of the Church of Rome, but such only as are indispensably and indisputably necessary to the free exercise of the Romish religion; and in those cases not without a license and permission from you, under the seal of Our said province, for and during Our will and pleasure, and under such limitations and restrictions as may correspond with the spirit and provisions of the Act of the fourteenth year of Our reign, "for making more effectual provision for the Government of the Province of Quebec;" and no person whatever is to have holy orders conferred upon him, or have the care of souls, without a license for that purpose first had and obtained from you.

Thirdly, That no person professing the religion of the Church of Rome be allowed to fill any ecclesiastical benefice, or to have and enjoy any of the rights or profits belonging thereto, who is not a Canadian by birth, (such only excepted as are now in possession of any such benefices) and who is not appointed thereto by Us or under Our authority; and that all right or claim of right in any other person whatever to nominate, present or appoint to any vacant benefice, other than such as may lay claim to the patronage of benefices as a civil right, be absolutely abolished; no person to hold more than one benefice, or at least not more than can reasonably be served by one and the same incumbent.

Fourthly, That no person whatever professing the religion of the Church of Rome be appointed incumbent of any parish in which the majority of the inhabitants shall solicit the appointment of a Protestant minister; in such case the incumbent shall be a Protestant, and entitled to all tithes payable within such parish; but, nevertheless, the Roman Catholics may have the use of the church for the free exercise of their religion, at such time as may not interfere with the religious worship of the Protestants; and in like manner, the Protestant inhabitants in every parish where the majority of the parishioners are Roman Catholics shall notwithstanding have the free use of the church for the exercise of their religion, at such times as may not interfere with the religious worship of the Roman Catholics.

Fifthly, That no incumbent professing the religion of the Church of Rome appointed to any parish shall be entitled to receive any tithes for lands or possessions occupied by a Protestant, but such tithes shall be received by such persons as you shall appoint, and shall be reserved in the hands of Our Receiver-General as aforesaid for the support of a Protestant clergy in Our said province, to be actually resident within the same, and not otherwise, according to such directions as you shall receive from Us in that behalf; and in like manner all growing rents and profits of a vacant benefice shall during such vacancy be reserved for and applied to the like uses.

Sixthly, That all persons professing the religion of the Church of Rome who are already possessed of, or may hereafter be appointed to, any ecclesiastical benefice, or who may be licensed to exercise any power or authority in respect thereto, do take and subscribe before you in Council, or before such person as you shall appoint to administer the same, the oath required to be taken and subscribed by the aforesaid Act of Parliament passed in the fourteenth year of Our Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America."

Seventhly, That all incumbents of parishes professing the Romish religion, not being under the ecclesiastical jurisdiction of the Bishop of Quebec, shall hold their respective benefices during their good behaviour, subject, however, in case of any conviction for criminal offence, or upon due proof of seditious attempts to disturb the peace and tranquillity of Our Government, to be deprived or suspended by you.

Eighthly, That such ecclesiastics as may think fit to enter into the holy state of matrimony shall be released from all penalties to which they may have been subjected in such cases by any authority of the see of Rome.

Ninthly, That freedom of the burial of the dead in the churches and churchyards be allowed indiscriminately to every Christian persuasion.

Tenthly, That the Royal Family be prayed for in all churches and places of public worship, in such manner and form as is used in this kingdom, and that Our Arms and insignia be put up not only in all such churches and places of holy worship, but also in all courts of justice, and that the Arms of France be taken down in any such church or court where they may at present remain.

43. You are to permit liberty of conscience and the free exercise of all such modes of religious worship as are not prohibited by law to all persons who may inhabit and frequent the province of Upper Canada, provided they be contented with a quiet and peaceable enjoyment of the same, without giving offence or scandal to the Government.

44. It is Our will and pleasure to reserve to you the granting of licenses for marriage, letters of administration and probates of wills, as heretofore exercised by you and your predecessors, and also to reserve to you and all others to whom it may lawfully belong, the patronage and right of presentation to benefices; but it is Our will and pleasure that the person so presented shall be instituted by the Bishop or his commissary duly authorised by him.

45. You are to take especial care that God Almighty be devoutly and duly served throughout your government, that the Lord's day be duly kept, and the services and prayers appointed

appointed by and according to the book of Common Prayer be publicly and solemnly performed throughout the year.

46. You are to take care that the churches which are or may be hereafter erected in Our said province of Upper Canada be well and orderly kept.

47. You shall recommend to the Legislative Council and General Assembly of the province of Upper Canada to settle the limits of parishes in such manner as may be deemed most convenient.

48. You are to use your best endeavour that each minister be constituted one of the vestry in his respective parish, and that no vestry be held without him, except in case of sickness, or that after notice given of a vestry he omit to come.

49. It is Our will and pleasure that you recommend to the Legislative Council and Assembly of Our said province of Upper Canada to make due provision for the erecting and maintaining of schools where youth may be educated in competent learning, and in knowledge of the principles of the Christian religion.

50. And it is Our further will and pleasure that no person shall be allowed to keep a school in the province of Upper Canada without your license first had and obtained; in granting of which you are to pay the most particular attention to the morals and qualifications of persons applying for the same; and in all cases where the school has been instituted or appointed for the education of members of the Church of England, or where it is intended that the schoolmaster should be a member of the Church of England, you are not to grant such licenses except to persons who shall first have obtained from the Bishop of Quebec or one of his commissaries a certificate of their being properly qualified for that purpose.

51. And it is Our further will and pleasure that in order to suppress every species of vice, profaneness and immorality, you do forthwith cause all laws made against blasphemy, profaneness, adultery, fornication, polygamy, incest, profanation of the Lord's Day, swearing and drunkenness to be strictly put in execution in every part of the province of Upper Canada; and that for this purpose you do direct that the constables and churchwardens of the several parishes do make presentment upon oath of any of the vices before mentioned to the justices of the peace in their session, or to any other of the temporal courts; and you are earnestly to recommend to the Legislative Council and Assembly to provide effectual laws for the restraint and punishment of all such of the aforementioned vices against which no laws are as yet provided, or in cases where the laws already made are found to be insufficient; and in order to discountenance vice and promote the practice of virtue to the utmost of your power, We do hereby strictly command and enjoin you to appoint no person to be a justice of the peace, or to any trust or employment, whose notorious ill life or conversation may occasion scandal.

52. You are not to present any Protestant minister to any ecclesiastical benefice within Our said province, by virtue of the said Act passed in the 31st year of Our reign, and of Our commission to you, without a proper certificate from the Bishop of Quebec, or his Commissary, of his being conformable to the doctrine and discipline of the Church of England.

53. And you are to take especial care that the table of marriages established by the Canons of the Church of England be hung up in all places of public worship, according to the rights of the Church of England.

54. It is our intention that the peltry trade of the interior country shall be free and open to Our subjects, inhabitants of any of Our colonies, who shall, pursuant to what was directed by our Royal Proclamation of 1763, obtain trading licenses from the Governor of any of Our said colonies, under penalties to observe such regulations as shall be made by Our Legislature of Our province of Upper Canada for that purpose. These regulations, therefore, when established, must be made public throughout all our American possessions; and they must have for their object the giving every possible facility to that trade which the nature of it will admit, and which may be consistent with just and fair dealing towards the native Indians with whom it is carried on. The fixing stated times and places for carrying on the trade, and adjusting modes of settling tariffs of the price of goods and furs, and above all, the restraining the sale of spirituous liquors to the Indians, will be the most profitable and effectual means of answering the ends proposed.

55. And whereas it is expedient for Our service that we should from time to time be informed of the state of the trade and fisheries as well as of the population of the said province of Upper Canada; it is Our will and pleasure that you do transmit to Us through one of Our Principal Secretaries of State, and to Our Committee of Our Privy Council for Trade and Foreign Plantations, for their information, yearly and every year, a full and particular account of the state of the fur and peltry trade; the nature and extent of the several fisheries carried on by Our subjects or others, either on the lakes or rivers of the said province; the state of the cultivation, particularly specifying the quantity of grain, hemp and flax produced; and of any other important branch of trade which may in your opinion be undertaken and advantageously carried on by Our subjects; the number of inhabitants, distinguishing them under the different heads of men, women and children; inserting in such account the number of persons born, christened and buried, and any extraordinary influx or emigration from our said province, specifying at the same time the number of slaves and the number of Our subjects capable of bearing arms in the militia; the number and tonnage of shipping and craft employed upon the lakes and rivers in or contiguous to the province of Upper Canada, together with any information on these or any other points of the like nature which may be proper to be communicated to us.

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56. And whereas you will receive from Our Commissioners for executing the office of High Admiral of Our United Kingdom of Great Britain and Ireland, and of the plantations, a commission constituting you Vice-Admiral of Our said province of Upper Canada; you are required and directed carefully to put in execution the several powers thereby granted to you.

57. Whereas it is absolutely necessary that We be exactly informed of the state of defence of all Our plantations in America, as well in relation to the stores of war, that are in each plantation, as to the forts and fortifications there, and what more may be necessary to be built for the defence and security of the same. You are from time to time to transmit an account thereof with relation to Our said province of Upper Canada, in the most particular manner; and you are therein to express the present state of arms, ammunition and other stores of war belonging to the said province, either in any public magazines or in the hands of private persons, together with a state of all places either already fortified, or that you may judge necessary to be fortified, for the security of Our said province; and you are to transmit the said accounts to Us by one of Our Principal Secretaries of State, and also duplicates to Our Master-general or principal officers of Our Ordnance; which accounts are to express the particulars of ordnance, carriages, balls and powder, and all other sorts of arms and ammunition now in Our public stores; and so, from time to time, of what shall be sent to you or bought with the public money, and to specify the time of the disposal and the occasion thereof, and other like accounts half yearly in the same manner.

58. And in case of distress in any other of Our plantations, you shall, upon application of the respective governors to you, assist them with what aid the condition and safety of Our said province under your government can spare.

59. If any thing shall happen which may be of advantage or security to Our province under your government, which is not herein or by your commission provided for, We do hereby allow unto you, with the advice and consent of Our said Executive Council, to take order for the present therein; provided, nevertheless, that what shall be done be not repugnant to Our Commission or Instructions, and to the said Acts passed in the fourteenth and thirty-first year of Our reign; giving unto Us by one of Our Principal Secretaries of State speedy notice thereof, that you may receive Our ratification, if We shall approve the same; Provided always, that you do not, by colour of any power or authority hereby given you, commence or declare war without Our knowledge and particular command therein, except it be for the purpose of preventing or repelling hostilities, or unavoidable emergencies, when the consent of Our said Executive Council shall be had, and speedy notice given thereof to Us by one of Our Principal Secretaries of State.

60. And whereas great prejudice may happen to Our service and to the security of Our said province by your absence or the absence of the Lieutenant-Governor for the time being; you shall not upon any pretence whatsoever come to Europe without having first obtained leave for so doing from Us, under Our signet and sign manual, or by Our order in Our Privy Council.

61. And whereas we have thought fit by Our Commission to direct, that in case of your death or absence from Our said province, and in case there be at that time no person commissioned or appointed by Us to be Our Lieutenant-Governor, or appointed by Us to administer the government within the province, in the event of the death or absence of you and of Our Lieutenant-Governor of the said province, the senior member of the Executive Council, who shall be at the time of your death or absence residing within Our said province of Upper Canada, subject to such other nomination and appointment by you under the great seal of Our said province, as in Our said Commission is in that behalf mentioned, shall take upon him the administration of the government, and execute Our said Commission and Instructions, and the several powers and authorities therein contained, in the manner hereby directed. It is nevertheless Our express will and pleasure, that in such case the person so administering the government shall forbear to assent to any acts but what are immediately necessary for the welfare of Our said province, without Our particular orders for that purpose; and that he shall not take upon him to dissolve the Assembly then in being, nor to remove or suspend any of the members of Our said Executive Council, nor any judges, justices of the peace or other officers, civil or military, without the advice and consent of the majority of the said Executive Council; and he is by the first opportunity to transmit to Us, by one of Our Principal Secretaries of State, the reasons of such alterations, signed by him and the Council; and Our will and pleasure is, that the above Instructions with respect to such senior Councillor shall also be equally observed by and binding upon such other Executive Councillor as may be nominated and appointed by you under the great seal of Our said province, by virtue of Our said Commission in that behalf.

62. And whereas by our different Commissions we have appointed you to be Our Governor and Commander-in-Chief of Our Provinces of Upper Canada and Lower Canada; Our Province of Nova Scotia; Our Islands of Prince Edward and Cape Breton, as well as of Our Province of New Brunswick; and it is Our intention that the Lieutenant-Governors commanding in Our said Provinces of Upper Canada, New Brunswick and Nova Scotia, and the Islands of Prince Edward and Cape Breton, should have and enjoy the full salaries, perquisites and emoluments, granted to them and arising from their respective governments, in as full and ample a manner as if the said governments were under distinct governors in chief. It is therefore Our will and pleasure that you shall not at any time or times, when you shall be resident and commanding in chief in either of Our said provinces of Upper
Canada,

AFFAIRS OF UPPER CANADA.

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Canada, Nova Scotia or New Brunswick, or the Islands of Prince Edward and Cape Breton, have or receive any part of the said salaries, perquisites or emoluments; but that the same shall continue to be paid and satisfied to the Lieutenant-Governors of Our said Provinces and Islands respectively, in the like manner as they usually are during your absence therefrom.

63. And you are upon all occasions to send to Us, by one of Our Principal Secretaries of State, a particular account of all your proceedings, and of the condition of affairs within your government.

(A true copy.)

(signed) *J. Joseph.*

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(G.)

COPY of the OATH taken by every Member of the Executive Council.

You do swear, that so far forth as cunning and discretion sufficeth, you will justly, truly and evenly counsel and advise the King and his representative in the government of this province, in all matters to be communed, treated and demeaned in the Executive Council, or by you as the King's counsellor, without partiality or exception of persons, not leaving or eschewing so to do, for affection, love, meed, doubt or dread of any person or persons.

You shall keep secret the King's counsel, and all that shall be communed, by way of counsel in the same, and shall not discover it by word or writing, or in any otherwise, to any person out of the same Council, or to any of the same Council if it touch him, or be party thereof.

You shall not gift, meed good, or promise of good, by any man, or, by promise of any other person, accept or take, for any promotion, favouring, letting or hindering, any matter or thing to be treated or done in the said Council.

You shall, with all your might and power, help and strengthen the King's said Council for the good of the King and this province, and for the peace, rest and tranquillity of the same.

You shall withstand any person or persons, of whatever condition, estate or degree, that should attempt or intend the contrary; and, generally, you shall observe, keep and do all that a good and true councillor ought to do unto his sovereign lord, or his representative in this province.

(signed) *John Beikie,*
Clerk, Executive Council.

Oath taken by
Executive Council.

(H.)

ADDRESS to HIS MAJESTY on the subject of the Legislative Council.

To the King's most Excellent Majesty.

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly represent, that we have applied ourselves with the greatest diligence during the present Session of the Provincial Parliament, to various subjects of great interest to our constituents; and although our proceedings have been unavoidably interrupted, to a degree altogether unprecedented, by the trial of controverted elections, and although many of the members of this House have laboured under the disadvantage of having been without parliamentary experience; yet the necessary measures on the subjects to which we have alluded have been brought to a satisfactory conclusion, and completed as far as depended on this House, and have been sent to the Legislative Council. It is with no ordinary mortification and regret, however, that we find our exertions during a most laborious session, rendered unavailing in respect to most of these measures, by the rejection of them by the Legislative Council. Among such as have shared this fate, are Bills to protect the agricultural interests of this Province from a ruinous foreign competition;—to provide for the just and equal distribution of the property of persons dying intestate;—to secure an impartial trial by jury, and to take from the sheriffs, who hold their offices during pleasure, the power which they now possess of packing juries;—to relieve an excellent and meritorious class of your subjects from burdens and penalties which are imposed by the Militia Laws of this Province, and which are oppressive on them, and which in time of peace are altogether unnecessary;—to improve the system of our common and district schools, and to increase the public funds for their support;—to amend the charter of King's College, in conformity with Your Majesty's gracious recommendations, and with the wishes which have at different times been strongly expressed to Your Majesty by your faithful subjects in this province, so as to put that institution into operation on just and liberal principles;—to provide for the sale of the clergy reserves, and the application of the monies arising therefrom to objects of common benefit and great utility to Your Majesty's subjects in this province, in accordance with Your Majesty's gracious invitations, and with the well-known and often expressed wishes of Your Majesty's subjects;—to promote the peace, freedom and independence of elections of Members of Parliament, by adopting the mode of voting by ballot;—to grant 100 *l.* per annum for five

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years to the Prantham and Bath Academies, institutions of education established by the voluntary contribution of the people, and on liberal principles.

All these measures, and others which we will not trouble Your Majesty with enumerating, have been rejected by the Legislative Council without amendment, and the labours of this House, during a session which we think we may justly declare has been distinguished for unprecedented diligence and application to public business, almost entirely baffled and rendered useless by the course pursued by the Legislative Council. If there were any reason to hope that these difficulties could be obviated, or materially diminished in future, we should not trouble Your Majesty; but the experience of years convinces us, that on many subjects of great and general interest there is such a disagreement of opinion between the Legislative Council, as now constituted, and the representatives of the people, as to bring us to the conclusion, which indeed the Legislative Council itself has expressed in relation to one of the most deeply interesting of these subjects, namely, that the Legislature of this province cannot concur in any measure that will be satisfactory to Your Majesty's subjects in this province. We are aware that Your Majesty has been officially informed by his Excellency Sir John Colborne, that "composed as the Legislative Council is at present, the province has a right to complain of the great influence of the Executive Government in it; that it consists of seventeen members, exclusive of the Bishop of Quebec; that of these, from accidental causes, not more than fifteen ever attend to their legislative duties; that thus, out of the members generally present, six are of the Executive Council, and four hold offices under the government; and that his Excellency had therefore intimated his intention of recommending to Your Majesty to increase the Legislative Council." And it was no doubt with a desire to remedy this evil, equally felt by the people and his Excellency, that Your Majesty has since added to their number. But it is our duty to assure Your Majesty that this change has not abated the evil of which we have such serious causes to complain, while it has, on the contrary, produced that further division of responsibility amongst its members which lessens the consciousness of individual accountability, without establishing any community of feeling or sentiments of respect between them and the people.

We do not wish to advert to this unpleasant and mortifying condition of our public affairs, in language that shall be disrespectful or offensive to the Legislative Council; nor do we presume to prescribe to Your Majesty what expedient should be adopted to afford relief in the premises to Your Majesty's dutiful and loyal subjects in this province, who, we are confident, desire that Your Majesty's attention should be called to it, and that we should humbly leave it to Your Majesty's wisdom to apply a suitable remedy.

In connexion with this subject, we feel bound to represent to Your Majesty, that it is the earnest desire of Your Majesty's faithful subjects, that Your Majesty's Government in this province should be conducted by the advice of those who should be actually and practically responsible for their proceedings, and who would, as a consequence, be likely to recommend and favour such public measures as may be most desired by Your Majesty's subjects, and in their opinion most conducive to their interests. We behold Your Majesty, in the administration of the affairs of the great Empire which Providence has committed to Your Majesty's hands, graciously consulting the wishes of your faithful people, as expressed by their representatives, in the choice of responsible advisers, to manage, under Your Majesty, the affairs of the Government; and we have been accustomed to regard it as an essential and invaluable feature of the glorious constitution of our Mother Country. The same principle we wish to see applied in the practice of our colonial government: until that is done, we cannot expect that the administration will give satisfaction to Your Majesty's subjects, or that there will be any real and permanent harmony between the Government and the representatives of the people. It is true, that we might withhold the annual grant for the support of the Government as a mark of our dissatisfaction with this state of things, and as a means of procuring redress; but being anxious to evince our forbearance, and desire to avoid as long as possible contention and difficulty, as well as to show our confidence in Your Majesty's paternal regard for your faithful people in this province, and gracious attention to their constitutional rights; and being reluctant to resort to a measure which we are aware must greatly embarrass the Government, until all other constitutional means of seeking redress have been tried and proved unavailing, we have preferred thus to appeal to Your Majesty for Your Majesty's gracious and effectual interference in our behalf; and have, notwithstanding our just dissatisfaction with the existing state of things, and notwithstanding the pecuniary distress which prevails in the province, granted, for the present year, the necessary supplies for the support of the Government, in the confident hope that effectual steps will immediately be taken for the removal of these obstacles to the peace, welfare and good government of the province. When it is considered that the ministers who, sometimes in rapid succession, fill the Colonial department under Your Majesty, are strangers to our province, and too distantly situated to acquire, through channels, often contradictory and interested, a true and correct knowledge of the wants, wishes and genius of Your Majesty's Canadian people, the practical need of local responsibility becomes more apparent and imperious.

(signed)

Marshall S. Bidwell,

Speaker.

Commons House of Assembly, }
15th day of April 1835.

On passing the above Address, the Yeas and Nays were as follows:

Yeas.—Alway, Bruce, Chisholm, Duncombe of Oxford, Duncombe of Norfolk, Durand, Gibson, Gilchrist, Lount, MacIntosh, Mackenzie, MacMicking, Moore, Morrison, Park, Perry, Roblin, Rymal, Shaver, Shibley, Smith, Thorburn, Waters, Wells, Wilson and Yager	26
Nays.—Brown, Caldwell, MacCrae, MacDonell of Glengary, MacDonell of Northumberland, MacLean, MacNab, Merritt, Morris, Richardson, Robinson, Rykert, Solicitor-General, Walsh, Wilkinson	15

(I.)

TO THE KING’S MOST EXCELLENT MAJESTY.

Most gracious Sovereign,

WE, Your Majesty’s most dutiful and loyal subjects, the Commons House of Assembly of Upper Canada, in Provincial Parliament assembled, in full assurance of Your Majesty’s earnest desire to promote the welfare of your people, beg leave humbly to address ourselves to Your Majesty upon a matter of the deepest interest to your faithful subjects in this province.

We learn with extreme apprehension and regret, that at the instance of the Lords Commissioners of Your Majesty’s Treasury, Your Majesty has been advised to entertain the intention of disallowing two Acts of the Legislature of this colony, which were passed more than two years ago; the one for increasing the capital stock of the bank of Upper Canada, and the other for incorporating a second banking association in this province under the name of the Commercial Bank of the Midland District.

We humbly represent, that, although the disallowance of these Acts may appear to be authorized by the letter of the Statute of the British Parliament, passed in the thirty-first year of the reign of Your Majesty’s Royal Father, intituled, “An Act to repeal certain Parts of an Act passed in the fourteenth year of His Majesty’s reign, intituled, ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America,’ and to make further provision for the Government of the said Province;” yet it is contrary to its spirit and meaning and the principles of a free government. We believe that this provision was intended to remedy any evil which might be occasioned by the Royal Assent being given in the colony to a provincial Act, that should be found incompatible with the rights and interests of other portions of the empire; but we cannot think it was intended to give the power of interference with our internal affairs; against such an interference we respectfully, but plainly and solemnly protest, as inconsistent with those sacred constitutional principles which are essential to a free government; since it is manifest, that if Your Majesty’s Ministers, at a distance of more than four thousand miles, and not at all controllable by or accountable to Your Majesty’s subjects here, and possessing necessarily a slight and imperfect knowledge of the circumstances of this country, the wants, and habits and feelings of the inhabitants, and the mode of transacting business among us can dictate a different course, in relation to measures affecting ourselves only, from that which the people by their representatives, and with the concurrence of the other branches of the Provincial Legislature, have chosen, we are reduced to a state of mere dependence upon the will and pleasure of a Ministry that are irresponsible to us, and beyond the reach and operation of the public opinion of the province; and no one can rely upon our provincial laws, although they may be constitutionally and deliberately formed, but the most unhappy uncertainty and want of confidence will prevail and extend their disastrous influence over all our business transactions.

We respectfully claim the same right in behalf of Your Majesty’s subjects in this province, to be consulted in the making of laws for their peace, welfare and good government, which our fellow subjects in Great Britain enjoy, in respect to the laws to which their obedience is required; and although, from the necessity of the case, power must be granted to the head of the empire of preventing colonial laws being adopted and enforced, which are incompatible with treaties between Your Majesty’s Government and foreign states, or with the just rights of any other of Your Majesty’s colonies; yet, with these exceptions, we humbly submit, that no laws ought to be, or rightfully can be, dictated to or imposed upon the people of this province, to which they do not freely give their consent through the constitutional medium of representatives chosen by and accountable to themselves.”

The force of our humble and dutiful remonstrance against the principle of an interference of Your Majesty’s Ministers with our internal affairs, we are not willing to diminish, by insisting upon the inconveniences and evils likely to follow from the exercise of the power, which the letter of the British statute, before quoted, gives to Your Majesty to disallow the provincial Acts which we have mentioned; but we cannot refrain from declaring our painful and settled conviction, that the disallowance of these Acts, after they have been for a long time in operation, so that the most frequent and ordinary, as well as the most extensive and important transactions of business in the province depend upon their continued existence, would be attended with confusion and distress beyond description, without any benefit to the province, and without any advantage whatever to any portion of Your Majesty’s dominions.

We

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We therefore respectfully and humbly pray, that Your Majesty, taking these matters into your favourable consideration, will be graciously pleased not to disallow these provincial acts, and not permit Your Majesty's Ministers to interfere with our internal affairs, but to leave the same entirely to the discretion and control of the Legislature of this province.
We beg to renew our assurances of entire devotion to Your Majesty's person and Government.

Commons House of Assembly, }
3 March 1834. } Archibald M'Lean,
Speaker.

Yeas:—Berczy, Bidwell, Boulton, Buell, Burwell, Campbell, Chisholm, Clark, Cook, Crooks, Duncombe, Elliott, Fraser, A., Fraser, D., Hornor, Howard, Jarvis, Lewis, MacDonald, A., M'Donald, D., MacNab, Merritt, Morris, Perry, Randal, Robinson, Samson, Shaver, Van Roughnet, Willson, J., Wilson, W., - - 31. Nay:—Mr. Ketchum.

(K.)

TO his Excellency, Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

Address of Commons House of Assembly.

May it please your Excellency,
WE His Majesty's dutiful and loyal subjects the Commons of Upper Canada, in Provincial Parliament assembled, beg leave to request that your Excellency will cause to be laid before this House, with as little delay as possible, an entire copy of what is generally termed "The King's Instructions" to the Governors of Upper and Lower Canada; and also copies of any other instruction not heretofore laid before this House, touching the duties or responsibilities of the Executive Council of this province; as also any instructions from His Majesty's Government, touching the administering the government of this Province by any Executive Councillor, in the event of the death or removal from the Province of the Governor, Lieutenant-Governor, or person administering the Government; and also copies of any bond or agreement between your Excellency and any of your present Executive Council, or between any two or more of the said Council, by which it is stipulated in what manner the government shall be administered, or who shall administer the government of this province in case of the above-named occurrence.

Commons House of Assembly, }
23 March 1836. } Marshall S. Bidwell,
Speaker.

GENTLEMEN,

I herewith transmit as much of the information desired by the House as I possess.
I have entered into no bond or agreement of any sort with my present Executive Council, and I do not possess, nor does there exist in Council, any document of such a nature between two or more of the said Council.

(L.)

Committee Room, House of Assembly.
Monday, 28 March 1836.

Present:—Messrs. Perry, Chairman.
Duncombe.
Morrison.
Roblin.
Norton.

Robert Baldwin Sullivan, Esq., called in, and interrogated.

Evidence before
Select Committee
of House of
Assembly.

Question 1. ARE you senior member and presiding Councillor of the Executive Council?
—Answer. Yes.

Q. 2. Is there any written agreement existing between yourself and any of the other members of the Executive Council, by which it is stipulated on your part in what way the government should be administered in the event of the death or removal from the province of the Lieutenant-Governor?—A. There is no agreement in existence by which it is stipulated how the government of the province shall be administered in the event mentioned in the question. At the time the Council were about to be sworn in, I expressed a wish that it might be understood that, in either of the events mentioned, it was my intention to resign my place as Executive Councillor, as it was not my desire, in any event, to fill the situation of administrator of the government. At my request this intention was expressed in writing, and I signed it.

Q. 3. Is the instrument you mention under seal, or witnessed?—It is neither under seal or witnessed.

Q. 4. Into whose hands did you deliver the document?—A. Into the hands of the Hon. William Allan.

Q. 5. Did

Appendix.

Q. 5. Did any other person know of the existence of the document?—A. Yes, it was not intended that my intention should be secret. His Excellency the Lieutenant-Governor was present when it was read, and delivered to Mr. Allan.

Q. 6. Did his Excellency the Lieutenant-Governor write the document, or was it written by his Excellency's order?—A. I proposed that my intention should be expressed in writing, and I wished that the writing should be drawn up by some person other than myself; upon which his Excellency, being present, was kind enough to draw it up.

Q. 7. Was the writing intended to be legally binding upon you?—A. Certainly not.

Q. 8. What was the object or intention of the paper in question, if it was not intended to be legally binding?—A. It was intended for my own satisfaction, that it might not be said that I had it in view to fill the situation of administrator of the government.

Q. 9. Do you think you could constitutionally resign in case of either of the above events, and give place to another who could administer the government?—A. I could transmit my resignation to His Majesty's Government, and decline taking upon myself the office of administrator of the government. I think it is the constitutional right of any individual to decline taking office upon himself; and as to giving place to another, that is not the act of the person declining office, but of the law.

Q. 10. Do you not think that in either of the above events taking place, you would be the administrator of the government without being appointed in any way?—A. The senior Executive Councillor would, upon taking the oaths of office, be invested with the administration of the government without any further appointment.

Q. 11. Do you think that upon your resignation, as above stated, the administration of the government could be assumed by any other member of the Council?—A. I think it could; either upon my resignation, or upon my refusal to take the oath of office.

Committee Room, April 11, 1836.

Hon. Augustus Baldwin, called in; and Examined.

Question 1. ARE you one of the present Executive Council?—Answer. Yes.

Q. 2. Have you any knowledge of a paper signed by Mr. Sullivan in relation to the administration of the government in the event of the death or absence from the province of the Lieutenant-Governor; and were you present when such paper was executed?—A. I was present when a paper was signed by Mr. Sullivan for the purpose of Mr. Allan's becoming Senior Councillor in the event alluded to.

Q. 3. At whose suggestion was the paper drawn up and signed?—A. Mr. Elmsley's.

Q. 4. Into whose hands was the paper, after execution, delivered?—A. I think it was into Mr. Allan's hands.

Q. 5. Who drew it up?—A. Sir Francis Head drew it up.

Q. 6. What was the understood purpose of the paper?—A. That the administration might not devolve upon Mr. Sullivan in case of either of the above events.

Q. 7. What objection was there to Mr. Sullivan's administering the government thus referred to?—A. I know of none other than Mr. Allan had preferable claims from his age and long standing in society. Mr. Sullivan made no objections when the thing was suggested, but immediately said he would acquiesce.

Q. 8. Are the Committee to understand that the agreement or paper alluded to was drawn up at the Government House?—A. No, it was drawn up in the Executive Council-Chamber. We went there to meet the Governor before sworn into office.

(M.)

To his Excellency Sir Francis Bond Head, Knight, Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, humbly beg leave to inform your Excellency, that this House, considering the appointment of a responsible Executive Council to advise your Excellency on the affairs of the province, to be one of the most happy and wise features in the constitution, and essential to the form of our government, and one of the strongest securities for a just and equitable administration, and eminently calculated to insure the full enjoyment of our civil and religious rights and privileges, has lately learned with no small degree of surprise and anxiety, that the Executive Council, so recently formed for the purpose above stated, (as we presume) consisting of six members, did, on Saturday, the 12th instant, unanimously tender to your Excellency their resignations; and that your Excellency was pleased to accept the same; and humbly to request your Excellency to inform this House, without delay, whether such are the facts, and also to communicate to this House full information relative to the cause of disagreement between your Excellency and your said late Executive Council, as far as lies in your Excellency's power to make known; as also to furnish this House with copies of all communications between your Excellency and your said late Council, or any of them, on the subject of such disagreement, and subsequent tender of resignation.

Commons House of Assembly, }
14th March 1836. }

Address of House
of Assembly
to Lieutenant-Governor.

HIS EXCELLENCY'S REPLY.

Appendix.

Reply of House of
Assembly to
Lieut.-Governor.

GENTLEMEN,—Nothing can appear more reasonable to my mind than the surprise and anxiety which the House of Assembly express to me at the intelligence they have received of the sudden resignation of the six members of the Executive Council; for with both these feelings I was myself deeply impressed, when firmly relying on the advice, assistance and cordial co-operation of my Council, I unexpectedly received from them the embarrassing document which, with my Reply thereto, I now, at the request of the House of Assembly, willingly present to you.

With every desire to consult my Council, I was preparing for their consideration important remedial measures, which I conceived it would be advisable to adopt, and had they but afforded me those few moments for reflection, which, from my sudden arrival among you, I fancied I might fairly have claimed as my due, the question which so unnecessarily they have agitated, would have proved practically to be useless.

Had they chosen to have verbally submitted to me in Council, that the responsibility, and consequently the power and patronage of the Lieutenant-Governor, ought henceforward to be transferred from him to them; had they even in the usual form of a written petition, recommended to my attention, as a new theory, that the Council, instead of the Governor, was to be responsible to the people, I should have raised no objection whatever to the proceeding, however in opinion I might have opposed it; but when they simultaneously declared, not that such *ought to be*, but that such actually *was* the law of the land, and concluded their statement, by praying that a Council sworn in secrecy to assist me, might be permitted, in case I disapproved of their opinion, to communicate with the public, I felt it my duty calmly and with due courtesy to inform them, that they could not retain such principles together with my confidence, and to this opinion I continue stedfastly to adhere.

I feel confident that the House of Assembly will be sensible, that the power intrusted to me by our gracious Sovereign, is a subject of painful anxiety; that from the patronage of this province I can derive no advantage; and that I can have no object in retaining undivided responsibility, except that which proceeds from a just desire to be constitutionally answerable to His Majesty, in case I should neglect the interests of his subjects in this province.

With these sentiments I transmit to the House of Assembly the documents they have requested, feeling confident that I can give them no surer proof of my desire to preserve *their* privileges inviolate, than by proving to them that I am equally determined to maintain the rights and prerogatives of *the Crown*, one of the most prominent of which is, that which I have just assumed, of naming those Councillors in whom I conscientiously believe I can confide.

For *their* Acts I deliberately declare myself to be responsible, but they are not responsible for mine, and cannot be, because, being sworn to silence, they are deprived by this fact, as well as by the constitution, of all power to defend themselves.

(O.)

To His Excellency Sir *Franis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieut.-Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

Address of House
of Assembly to
Lieut.-Governor.

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in provincial Parliament assembled, humbly beg leave to inform your Excellency, that we have with deep regret learned that your Excellency has been induced to cause the late Executive Council to tender their resignation to seats in the Council under circumstances which still enabled your Excellency to declare that your estimation of their talents and integrity, as well as your personal regard for them remained unchanged, and that under the present excited state of public feeling in this colony, occasioned by the recent proceedings between your Excellency and the late Executive Council, and the appointment of a new Council (as appears by the Gazette Extraordinary of Monday 14th March instant,) composed of Robert Baldwin Sullivan, John Elmsley, Augustus Baldwin, and William Allan, Esquires, this House feel it to be a duty they owe alike to His most gracious Majesty, and to the people of this Colony, whose representatives they are, to avail themselves of the first opportunity to declare at once to your Excellency the entire want of confidence of this House in the last-mentioned appointments, and deep regret that your Excellency consented to accept the tender of resignation of the late Council, and humbly request your Excellency to take immediate steps to remove the present Council from such their situation.

Commons House of Assembly, }
24 March 1836.

(signed) *Marshall Bidwell*,
Speaker.

(Answer to the foregoing Address.)

Appendix.

Gentlemen,

In reply to your Address, I assure you I very sincerely regret that the House of Assembly should entertain a want of confidence in the Council I appointed on the 14th instant, as I faithfully declare, that under the circumstances in which I was placed, I made every exertion to select gentlemen that I thought would be most acceptable to the House and to the people.

Reply of Lieut.-
Governor to House
of Assembly.

I can assure the House, that no one lamented more than I did the resignation of the late Council, three of the members of which, namely, Messrs. Dunn, Baldwin and Rolph, I had myself especially selected.

With respect to the request "that I should take immediate steps to remove the present Council from such their situation," I might say that I had hoped the House would have refrained from any such decided expression of its opinion on the subject, until it had received the report of the Committee to whom the subject was referred, and for whom the government office is now occupied in furnishing the documentary evidence they desire, but I am unwilling to discuss that question.

With respect to the "present excited state of public feeling in this colony, occasioned by the recent proceedings," I feel guiltless of being its cause, inasmuch as to the House of Assembly, as well as to people of all classes who have addressed me on the subject, I have done every thing in my power to assure them of my desire that the question should be calmly settled, according to the spirit of the Constitution, and consequently according to the interests of the people.

I can assure the House that, far from entertaining any determination to maintain my opinion merely because I have uttered it, I should be at this moment happy to abandon it, if the duty I owe to my Sovereign and to the people could permit me. My mind invites rather than repels conviction; and hoping that the House will on a subject which must surely occupy the attention of the whole country meet me with a desire to be governed by reason and truth, I will concisely once again submit to it my view of the case.

From the time of General Simcoe to the departure of Sir John Colborne, the practice of every Lieutenant-Governor of this province has been to consider their Executive Councillors as advisers, sworn not to respond, or, in other words, not to be responsible to the people.

On my arrival here, finding this had been the practice, I also pursued it; but on preparing to add three popular members to the Council, one of them, Mr. R. Baldwin, with the sincerity which forms his character, tells me he thinks my Council, in spite of their oath, *should* respond to the people.

To this project I refuse to accede, a long argument ensues, and at last I write to Mr. R. Baldwin a note, of which the following is an extract:—

"I shall rely on your giving me your unbiassed opinion on all subjects respecting which I may feel it advisable to require it."

After receiving this distinct statement of my intention *not* to alter the old practice, Mr. R. Baldwin sends a copy of the same to Dr. Rolph and to Mr. Dunn, and they, knowing my sentiments, all three join my Council.

After sitting in the Council three weeks, Mr. Baldwin's conscientious opinion again appears, convinces the other members, old as well as new, and the subject in a most formal manner is officially brought before me, with a request that if I disapprove of the opinion, the Council may be allowed to address the people. On referring to the constitutional Act, I am unable to comprehend their reasoning, and we consequently part on the same good terms on which we met; I retaining my unaltered opinion, while at least four of the Council have (since my arrival) changed theirs.

The whole correspondence I forward to the House of Assembly, with an earnest desire that, regardless of my opinion, the question may be fairly discussed.

In the station I hold, I form one branch out of the three of the legislature, and I claim for myself freedom of thought as firmly as I wish that the other two branches should retain the same privilege.

If I should see myself in the wrong, I will at once acknowledge my error; but if I should feel it my duty to maintain my opinion, the House must know that there exists a constitutional tribunal competent to award its decision, and to that tribunal I am ever ready most respectfully to bow.

To appeal to the people is unconstitutional, as well as unwise—to appeal to their passions is wrong; but on the good sense of the House of Assembly I have ever shown a disposition to rely, and to their good sense I still confidently appeal.

(P.)

UPPER CANADA.

SCHEDULE of PATENTS for LAND, constituting ENDOWMENTS to the Church of *England* in this Province, that have been completed.

No.	NAME of the MINISTER.	Name of the Parsonage and Situation.	LAND FORMING THE ENDOWMENT.			Number of Acres.
			Lot.	Con.	Township.	
1.	The Hon. and Venerable John Strachan, D.D., &c. - -	City of Toronto -	{ 6, 9 22 17 }	{ 2 3 }	York, from the Bay -	800
2.	Rev. C. Matthews -	York, E. Y. S. -	14	2	York, E. Yonge-street	200
3.	Rev. T. Phillips, D.D.	Mimico, in Etobicoke	{ 3 & 4 W ^t P ^t 3 4 }	{ 1 Rg ^e 2 2, 3 & 4 }	Etobicoke - - -	205
4.	Rev. A. N. Bethune -	Cobourg - - -	{ Part 15 1/4 15 27 E. 1/2 2 }	{ B. A. 6 7 }	Hamilton - - -	{ About 400 }
5.	Rev. M. Harris -	Perth - - -	{ 17 4 }	{ 7 1 }	Bathurst - - - Drummond - - -	400
6.	Rev. R. F. Grout -	Grimsby - - -	{ 11, 12 13, 14 }	6	Grimsby - - -	400
7.	Rev. R. H. D'Olier -	Peterborough - -	{ 17 40 15, 16 4 Town lots }	{ 2 13 3 - - }	Smith - - - Monaghan (Park Lots) Peterborough - - -	About 420
8.	Rev. F. Evans - -	Woodhouse - - -	{ 3/4 1 1/4 2 Part 6 10 }	{ 3 1 4 }	Woodhouse - - -	402
9.	Rev. John Anderson	Waterloo (Bertie) -	6 & 7	5 & 6	Bertie - - -	400
10.	Rev. Wm. Betteridge	Woodstock (Blandford)	{ 2 16 }	{ 1 5 }	Oxford West - - - ,, East - - -	400
11.	Rev. John Miller -	Ancaster - - -	39, 40	5	Ancaster - - -	400
12.	Rev. H. Patton -	- - Kemptville, Johnstown District.	{ 15, 16 16 }	{ 1 6 }	Oxford, J ⁿ D ^t - - -	450
13.	Rev. S. Armour -	Cavan - - -	{ 17 10 }	{ 4 10 }	Cavan - - -	400
14.	Rev. G. Mortimer -	Thornhill (Home Dist ^t)	N. 1/2 27	1	Vaughan - - -	105
15.	Rev. W. Macaulay -	Picton (Prince Ed. D ^t)	N. E. p ^t blk.	D.	Sophiasburgh - - -	400
16.	Rev. R. Blakey -	Prescott - - -	{ 18 & 19, and Commons between. }	4	Augusta - - -	450
17.	Rev. W. H. Gunning	Elizabeth Town -	19, 20	5	Elizabeth Town - - -	400
18.	Rev. F. Mack - -	- - Wellington Square, Nelson.	{ 6 10 }	{ 2 4 }	Flambro' East - - -	400
19.	Rev. J. Coghlan -	Port Hope - - -	{ Part 9 27 6 }	{ 1 4 8 }	Hope - - - - ditto - - -	36 400
20.	Rev. B. Cronyn -	London (Township) -	{ Part 15 15 16 }	{ 3 7 3 }	London - - - - ,, - - -	375 4 1/2
21.	Rev. B. Cronyn -	London (Town) -	{ Part of Town Plot of London, on which the Church of England now stands 12, 13 C. }			4 1/2 400
22.	Rev. V. P. Meyerhoffer	Markham - - -	{ 9 19 }	{ 5 9 }	Markham - - - Vaughan - - -	400

AFFAIRS OF UPPER CANADA.

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SCHEDULE of Patents for Land, constituting Endowments to the Church of England, &c.—*continued.*

No.	NAME of the MINISTER.	Name of the Parsonage and Situation.	LAND FORMING THE ENDOWMENT.			Number of Acres.
			Lot.	Con.	Township.	
23.	The Rev. G. O. Stuart, Archdeacon of Kingston	Kingston - -	Blk. C. adjoining $\frac{3}{4}$ 12, 13 $\frac{3}{4}$ 14 43	4 3	Kingston (Town) - - - Kingston (Township) - Ernest Town - -	18 700
24.	Rev. Thomas Creen -	Niagara - - -	126, 127, 128, 130	- -	Niagara (Township) -	400
25.	Rev. John Cochrane -	Belleville - -	16, 17, Part 4	3 1	Thurlow - - -	418
26.	Rev. G. Archbold -	Cornwall - - -	19, $\frac{3}{4}$ 38 Also a strip of land between the Town of Cornwall and the second Concession of the Township of Cornwall.	8	Cornwall (Township).	410
27.	Rev. J. Radcliff -	Warwick - - -	15, 25	1	Warwick - - -	400
28.	Rev. S. Givens -	Napanee - - -	15, 16	4	Richmond - - -	400
29.	Rev. D. E. Blake -	Adelaide - - -	12 25 8 & 9	1 1 Front street	Adelaide (N th Egr ^t Rd) ,, (South ditto) ,, (Village) -	400
30.	Rev. James Clark -	St. Catherines -	3	5 & 6	Grantham - - -	400
31.	Rev. J. Short -	Beckwith - - -	17 N. E. $\frac{1}{2}$ 21 W. $\frac{1}{2}$ 26	1 2	Beckwith - - -	400
32.	Rev. R. Rolph -	Amherstburgh -	80, 81	7	Malden - - -	400
33.	Rev. Job Deacon -	Adolphustown -	24, 25 6, 7, 8 6, 7, 8	1 North of 3d street South of 4th street	Adolphustown (Township) ,, (Town) -	164
34.	Rev. W. Leeming -	Chippewa - - -	72, 88 89, 106	- -	Stamford - - -	400
35.	Rev. A. Palmer -	Guelph - - -	C. Div ⁿ A. res ^{ve} lot be- tween C. and River Speed, 14, 15, Div ⁿ A. - -	- -	Guelph (Township) -	86
			Centre part of St. George's- square - - -	- - -	Guelph (Town) - -	{ Perches 54 $\frac{1}{2}$ $\frac{2}{3}$
		Broken	R ^s 2, 3, 4 3, 4	10 11	Puslinch - - -	326
36.	No Minister yet ap- pointed.	Thorold - - -	98, 99 100, 121	- -	Thorold - - -	400
37.	Ditto - - -	Louth - - -	11, 12 12	4 5	Louth - - -	300
38.	Ditto - - -	Fredericksburgh -	9, 10, 11	2	Fredericksburgh -	250
39.	Ditto - - -	Bath (Midland Dist ^y)	$\frac{1}{4}$ 12, 13 $\frac{3}{4}$ 14	4	Ernest Town - -	400
40.	Ditto - - -	Williamsburgh -	18, 19	4	Williamsburgh -	400
41.	Ditto - - -	Richmond (Bathurt D ^y)	24 17	5 9	Goulborn - - - Fitzroy - - -	400
42.	Ditto - - -	Clarke - - -	20, 27 Part 34	2 2	Clarke - - - ,, given by S. Wil- mot, Esq. -	400 15
43.	Ditto - - -	Darlington - - -	25, 31	1	Darlington - - -	400
44.	Ditto - - -	Town of Barrie Home District.	Six town lots 10 28 10	- - 8 13 14	Barrie - - - Innisfil - - -	420

Secretary and Registrar's Office, Toronto,
5 February 1836.D. Cameron,
Secy & Reg^r.

Appendix.
Schedule of late
Endowments of
Parsonages and
Rectories.

THE following RECTORIES have been endowed since the receipt of the foregoing STATEMENT.

No.	N A M E S.		ACRES.
45.	Rev. John Gamble Geddes, Hamilton (Gore District.)	- - Lot No. 6, in 13th Concession, and lot No. 2, in 14th Concession, of East Flamborough - }	400
46.	Rev. John Grier, Ameliasburgh	- - No. 96 and 102, in the 2d Concession of Ameliasburgh - - - - - }	400
47.	Rev. J. G. Beek, Lindsay, Williamsburgh.	- - Part of the centre Commons in 1st and 2d Concession; Williamsburgh, 37 $\frac{1}{2}$ acres; the centre Commons between 18 and 19, in 1st, 3d and 4th Concession of Matilda, 163 acres; lots No. 19, in 6th Concession, Matilda - - }	400 $\frac{1}{2}$
48.	Rev. Edward J. Boswell, Carleton-place.	- - No. 26, in 2d Concession, and No. 2, in 7th Concession, of Ramsay - - - - - }	400
49.	Rev. Mark Burnham, St. Thomas.	- - Lot 9, in 1st Concession, and 17, in 4th Concession, Township of Southwold - - }	400
50.	Rev. A. H. Burwell, Bytown -	- - Lot 17 and 18, in 1st Concession, on the Ottawa, in Gloucester - - - about }	400
51.	Rev. James Magrath, Toronto	- - Lot 23, in 2d Concession, and lot 29, in 4th Concession, East Hurontario-street, Chingua-cousy - - - - - }	400
52.	Rev. James Padfield, March -	- - No. 2 and 32, in 4th Concession, on the Rideau, Nepean - - - - - }	400
53.	Rev. Robert Lugger, Brantford	- - No. 3, in 2d Concession, and No. 9, in 3d Concession, of Burford - - - - - }	400
54.	Rev. Richard Flood, Delaware	- - No. 22, in 1st Range, North of the Longwood Road, and No. 16, in 1st Concession, Carradoc - - - - - }	435
55.	Rev. William Johnson, Sandwich.	- - No. 3, East of River au Puce; front half, No. 1, between River Puce and River Peche, in Maidstone; and lot 8, broken front, Tilbury West - - - - - about }	400
56.	Parish Church in Chatham -	- - Lots 8 and 15, in 1st Concession, of Tilbury West, and lot 2, between Belle River and River Ruscum, in the Township of Rochester - about }	400

RETURN of PROPERTY surrendered by certain CLERGYMEN of the CHURCH of ENGLAND, and others; showing the Value of said Property, with the Lands granted in lieu thereof, intended as Endowment.

N A M E.			Acres.
Rev. James Coghlan -	- - Part of Lot No. 9 in the 1st Concession of Hope, 36 acres, with messuage or dwelling-house surrendered; value 1,060 <i>l.</i> 6 <i>s.</i> 3 <i>d.</i>	Received in lieu : Lot No. 27. 2 Con. Hope - 27. 8 " " - 2. 9 " Cavan - S. $\frac{1}{2}$ 9. 9 " - ditto - E. $\frac{1}{2}$ 16. 5 " Emily - N. $\frac{1}{2}$ & } 3. 6 " Seymour S. E. $\frac{1}{4}$ } and N. } 2. 5 " ditto - part }	200 200 200 100 100 150 70 <hr/> 1,020
Rev. George Mortimer -	- - N. $\frac{1}{2}$ 27, West side Yonge-street, in the 1st Concession of the Township of Vaughan, 105 acres; value 750 <i>l.</i>	R. $\frac{1}{2}$ 14. 3 " Puslinch 16. 3 " ditto - 30. 1 " ditto - 22. 12 " Innisfil. - 27. 6 } 18. 7 " } 12. 8 } 20. 8 }	336 200 800 <hr/> 1,336

AFFAIRS OF UPPER CANADA.

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RETURN of Property surrendered by certain Clergymen of the Church of England—*continued.*

Appendix.

Schedule of late
Endowments of
Parsonages and
Rectories.

N A M E S.			Acres.
Rev. Benjamin Cronyn -	- - Part of Lot No. 16, in the 3d Concession of London, containing 4 acres and 34 poles, with mes- suage or dwelling-house, out- houses, offices and buildings; value 1,180 <i>l</i> .	Received in lieu : <div style="display: flex; align-items: center;"> <div style="margin-right: 10px;"> part 12. 2 } 15. 3 } 31. 3 } 15. 11 } 20. 12 } 15. 13 } 15. 15 } 12. B } 2. 7 } 20. 2 } 36. 2 } 31. 3 } </div> <div style="margin-right: 10px;"> Con. London ,, Nissowri </div> </div>	1,396 496 <hr/> 1,892
Rev. Francis Evans -	- - S. W. $\frac{1}{4}$ of Clergy Reserve, Lot No. 2 in the 3d Concession, 50 acres, and the South part of No. 1 in the 3d Concession, Wood- house, 50 acres; value 600 <i>l</i> .	<div style="display: flex; align-items: center;"> <div style="margin-right: 10px;"> Lots 2 } 9 } 16 } 38 } </div> <div style="margin-right: 10px;"> 7 " } " } " } </div> <div> Walpole </div> </div>	800 <hr/>
Rev. Philip Mayerhoffer	- - Rear part of Lot No. 17, in the 5th Concession of Markham, 70 acres; value 250 <i>l</i> .	Lot 19. 5 ,, Markham	200 <hr/>
Rear Admiral Vansittart	- - A house, two acres and two lots of land in Blandford, and 26 acres in Oxford, East, value 935 <i>l</i> , for the Church at Wood- stock.	- - 3,690 acres in the Township of Bexley, District of Newcastle.	

(R.)

Sir,

Government House, 4th April 1836.

I HAVE laid your letter of the 2d instant before the Lieutenant-Governor, and have the honour to forward to you, by his Excellency's command, the document therein applied for.

Letter from
J. Joseph, Esq. to
J. Perry, Esq.

I think it right to add, for the information of the Committee, that a rejoinder to the Lieutenant-Governor's answer to the Address of the Citizens of Toronto was left at the Government-House in a sealed cover, and returned unread to Mr. George Ridout, who had brought up and read to his Excellency the Address; that gentleman, however, disclaimed all participation in the Rejoinder, and forwarded it to Mr. Jesse Ketchum, one of the subscribers.

I have the honour to be, &c.

Peter Perry, esq., M. P.,
Chairman, &c.

(signed) *J. Joseph.*

(S.)

REJOINDER to the foregoing REPLY, which has this day been laid before His Excellency.

May it please your Excellency,

WE thank your Excellency for replying to our Address, "principally from the industrious classes of the city," with as much attention as if it had proceeded from either of the branches of the legislature; and we are deeply sensible, in receiving your Excellency's reply, of your Excellency's condescension in endeavouring to express yourself in plainer and more homely language, presumed by your Excellency to be thereby brought down to the lower level of our plainer and more homely understandings. But we beg leave, in justification of those classes, to assure your Excellency, that any comparison which may have passed in your Excellency's mind between them and the more unfortunate and less favoured in the parishes of the parent State, is by no means founded in truth. The industrious classes of this city have for many years been seriously impressed with the duty and importance of acquiring knowledge, for the general diffusion of which they have, by their own efforts and at their own expense, (with the aid of generous and patriotic friends,) so far successfully laboured as to be able to appreciate good writing and fair reasoning. We desire respectfully to inform your Excellency, in the plain and homely language of industrious men, that any supposed necessity for this great condescension of your Excellency, could not have existed, in any degree, had not past administrations sadly neglected our claims to the blessings of general education. Lest your Excellency should doubt our sufficient appre-

Rejoinder from Citizens of Toronto to Reply of Lieute- nant-Governor.

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hension

Appendix.

Rejoinder from
Citizens of Toronto
to Reply of Lieu-
tenant-Governor.

hension of the matter (though we have practically felt and suffered from the evil,) we humbly refer your Excellency to the language of our honest and honoured representatives at the opening of the present Session of our Parliament:—"We have also been anxious in past years to make the means of education general and easily available, but it has only lately become known to the legislature that a bountiful provision in lands was made by the Crown about 40 years ago, though since deteriorated by a recent secret unfavourable exchange for inferior lands. The University of King's College was grounded on Royal Charter, sought for and granted in 1826, upon principles so exclusive and sectarian, as to render it deservedly unacceptable to the great body of the people for whose benefit it was professedly intended; and although the most reasonable modifications were suggested by a series of Resolutions in 1829, yet it is now, for the first time, that your Excellency has been enabled to announce from His Majesty's Government any specific proposition respecting it. Nor ought we to fail to notice, that large appropriations have been made out of the University fund, not to the district and township schools, undeservedly neglected, but to sustain Upper Canada College in this city, in which the sons of all the wealthiest families are educated, and which ought, therefore, to be supported without so questionable an encroachment on public funds."

To this statement we can add the untiring efforts of our representatives for the sale of the clergy reserves, and the appropriation of their proceeds to the purposes of general education, have hitherto proved unavailing; and although a philosophical apparatus, purchased out of the taxes gathered from the people in the year 1800, has ever since been unused, mouldering and decaying in a garret in the Hospital, yet when the industrious classes, after cleaning and repairing it, humbly solicited his late Excellency, Sir John Colborne, for the use of it in their Institute, it was peremptorily refused.

We therefore humbly pray your Excellency, under these mortifying and humiliating circumstances, to accept the above painful facts and extracts from the records of our Parliament as an apology for any alleged necessity for your Excellency's gracious condescension in using plainer and more homely language for the level of our understandings.

But it is because we have been thus maltreated, neglected and despised in our education and interests, under the system of government which has heretofore prevailed, that we are now driven to insist upon a change, which cannot be for the worse. In the further language of our Commons House of Assembly, we can aver that "*the uniform experience of nearly half a century, has forced the conviction, confirmed by the history of nations, that no richness of soil, or salubrity of climate, no wealth in public lands or industry and economy among a deserving people, can insure their peace, welfare and prosperity, without the possession of those suitable institutions which will yield cheap, honest and responsible government.*"

Now, your Excellency is pleased to answer us, on this occasion, by declaring, that the system of government which has prevailed from the time of Simcoe, is the best for us, although it has, by its vices, reduced us to so deplorable a condition of grievances, that even your Excellency recognizes it, this day, in the following just and sententious language to us: "*The grievances of this province must be corrected—impartial justice must be administered—the people have asked for it; their Sovereign has ordained it; I am here to execute His gracious Commands: delay will only increase impatience.*" Thus is the exigency of our affairs frankly admitted by your Excellency in both the civil and judicial departments; and surely it is the province of wisdom not merely to relieve the present exigency but to remove the causes which have produced it in the past, and will, if suffered to continue, reproduce it in the future; for the like causes will ever produce the like effects. However much, therefore, we might commend the intention of your Excellency to see that "*the grievances of this province are redressed, and impartial justice administered,*" we are determined, by means of institutions better organized and directed, to prevent the recurrence of such wrongs; because it is wiser to prevent evil, than to hazard the correction of it after it has arisen, or has, perhaps, become inveterate.

Your Excellency is pleased to say, 'I am here to execute,' &c. But your Excellency's predecessors throughout the history of this country have made similar professions, yielding however nothing but bitter disappointment. The issue of the Administration of a Gore, a Maitland, and a Colborne, has been equally disastrous; each in its commencement holding forth expectations as flattering as those from your Excellency, but each finally aggravating our need for "*grievances to be redressed, and impartial justice to be administered.*" But the very fact, that your Excellency has begun like your predecessors, is a reason for apprehending the same result; for it would be offensive to your Excellency to assume that they were less wise, impartial and honourable than any who may ever succeed them. The hopes of amelioration from each successive Governor have been uniformly delusive; and candor obliges us to assure your Excellency, that, even in this early period of your government, our condition has become more deplorable, than ever, and the very nature and stability of our institutions involved in alarming uncertainty.

While our condition has been thus growing worse, under a succession of new Governors from England, they have been responsible to the Minister in Downing-street. With our plain and homely understandings, we cannot comprehend how a responsibility to Downing-street having failed of any good with all your predecessors, should be all availing in your present government; for it is the same responsibility in nature and degree; it is regulated by the same instructions; it is rendered to the same distant Government, 4,000 miles off, and guarded by such a system of secret Despatches, like a system of espionage, as to keep

in utter darkness the very guilt, the disclosure of which could alone consummate real and practical responsibility.

Dalhousie and Aylmer in Lower Canada, and Gore, Maitland and Colborne in Upper Canada, have severally misgoverned their respective provinces. The two former have been impeached by the people, through their representatives, and their very crimes, instead of meeting punishment, have raised them to higher honours. And although the three latter have severally retired from our country after misconducting our affairs, under a nominal responsibility to Downing-street, till they had engendered an imperious necessity "for the correction of our grievances, and the impartial administration of justice," yet in every case they have been promoted higher, in direct proportion to the complaints of the people, without any redress for their wrongs, or even censure of their oppressions. We do not mean, in our plain and homely statement, to be discourteous, by declaring our unalterable conviction, that a nominal responsibility to Downing-street, which has failed of any good with the above gentlemen of high pretensions to honour, character and station, cannot have any magic operation in your Excellency's administration, which, should it end, as it has unhappily begun, might make us drink the cup of national misgovernment to the very dregs, without (as experience proves) redress on our part, or retribution on yours. "Facts are stubborn things." It is a mockery to invite us to rest our future hopes on an ineffectual, merely nominal responsibility, that has proved a broken reed, which, it would be folly ever again to rest upon. Your Excellency has been pleased solemnly and publicly to declare, that being determined to hold an irresponsible, or, more strictly speaking, an acceptable Executive Council, you hold yourself responsible for their acts as well as your own; and, considering the sort of Council you have about you, we cannot foresee the magnitude to which your Excellency's responsibility may extend. On your Excellency's account, therefore, as well as our own, we do humbly and heartily desire to see you surrounded by confidential servants, not likely to involve your Excellency or dissatisfy the country. We do not, however, understand how the Council can be called "*non-responsible*," when your Excellency voluntarily places yourself as a substitute, answerable for their misdeeds to the Minister at Downing-street. But who can avail himself of this responsibility, in order to seek any redress? Can it be reasonably required, that one of a community, "*whose whole revenue does not equal the private fortune of many an English commoner*," shall carry his complaint 4,000 miles off, transmit the evidence, rebut any unjust offence, fee lawyers and agents, in a long, tedious, protracted litigation, in Downing-street, worse than a suit in Chancery, where, before the matter can be investigated, one Minister succeeds another so rapidly as to defy continuous inquiry?

This responsibility to Downing-street has never yet saved a single martyr to executive displeasure. Robert Gourlay still lives in the public sympathy, ruined in his fortune, and overwhelmed in his mind, by official injustice and persecution; and the late Captain Mathews, a faithful servant of the public, broken down in spirit, narrowly escaped being another victim. The learned Mr. Justice Willis struggled in vain to vindicate himself and the wounded justice of the country; and the ashes of Francis Collins and Robert Randall lie entombed in a country in whose service they suffered heart-rending persecution and accelerated death. And even your Excellency has disclosed a secret Despatch to the Minister in Downing-street, (the very alleged tribunal for justice,) containing most libellous matter against William Lyon Mackenzie, Esquire, M. P., a gentleman known chiefly for his untiring services to his adopted and grateful country. We will not wait for the immolation of any others of our public men, sacrificed to a nominal responsibility, which we blush to have so long endured for the ruin of so many of His Majesty's dutiful and loyal subjects.

It is easy to say, when wrong is done by the Executive Council of the Province to any individual or individuals, the Governor is responsible for them to the Minister at Downing-street; but for all practical ends, it might as well be said at our *antipodes*. Your Excellency asks us, with reference to your late Council, "Is it usual for one person to insist on bearing another person's blame?" It seems, may it please your Excellency, to have been usual to do so; for you insist upon being answerable for the acts of your Council against their will. But, inasmuch as it appears to your Excellency, as well as to our plain and simple minds, unreasonable for "one man to insist on bearing another person's blame," we the more earnestly insist that the Executive Council should bear their own blame, and not saddle it upon your Excellency, however graciously disposed your Excellency may be to assume it. Your Excellency is pleased to say, that "the political party which demands responsibility for my Council know perfectly well that the power and patronage of the Crown are attached to it; and it is too evident that if they could but obtain this marrow, the empty bone of contention, namely, responsibility to the people, they would soon be too happy to throw away." Respecting these strictures of your Excellency, on the purity of their motives (which we deem most patriotic and honourable) we forbear to offer any remark. "*Charity thinketh no evil*." But, confining our views to what can be gathered from the representations of your late Council, we had rather that the power and patronage of the Crown were exercised by your Excellency, after receiving the conscientious advice of your sworn advisers, known and acceptable to the people, than by your Excellency's unadvised and arbitrary pleasure; and we think the case rendered even worse by the interference of a Minister 4,000 miles off, too distant from the scene of government, and too unacquainted with our complicated localities, to form a judgment upon which he ought to decree, or with which the people intetested ought to be satisfied. What your Excellency is pleased to call "*the marrow of the bone*," is constitutionally intended to nourish, enrich and benefit the "industrious classes," and the whole community; and your Excellency's candour will, no doubt, pardon our reluctance wholly to confide (without the advice of your

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Council) to your Excellency, as "a stranger lately arrived among us, ignorant even of the political differences of the parent State, and avowedly unacquainted with the wants and condition of this province."

We beg leave to assure your Excellency, that the "*bone*" to which your Excellency alludes, has been in the keeping of successive Governors responsible to the Minister in Downing-street, and at one time it abounded with "*marrow*," and was even the nucleus for much solid and valuable nutriment, all intended to form a source of national wealth, to be improved, husbanded and applied for our peace, welfare and good government. It is with profound, and, we greatly fear, with unavailing regret, we inform your Excellency, that while subject to the above custody and responsibility, the "*bone*" had been picked so bare, as to leave little besides the "*marrow*" behind.

Under these circumstances, we hope your Excellency will commend the "*industrious classes*" and others for so far learning wisdom from woeful experience, as no longer to confide their best present and future interests, their civil and religious liberties, and all that endears a man to his country or to the world, to a succession of Governors, nominally responsible at Downing-street, to a succession of ever changing Ministers: it is unreasonable to expect it; we should betray our country to consent to it.

We cannot altogether agree with your Excellency, that "the only consolation which should support an honest man in an arduous duty is the reflection that he is ready to atone for every error he commits, and that he is subject to arraignment if he offends." The highwayman and the pirate might and often have pleaded the same, have even been ready to make atonement by restitution, and after "arraignment" expiated their crimes according to law. But a Statesman, a Governor or a King is presumed to be influenced by higher motives and by more exalted principles. The discharge of even an arduous duty cannot and ought not to be satisfactory to us, if performed in an unconstitutional way. In some countries, the end gained, however valuable, might be so tainted by the means as to make it treason. We desire not only to be governed well, but to be governed constitutionally; at the very least, according to the present charter of our liberties. The fear of personal liability to "atonement" or "arraignment" is a very subordinate protection against the abuse of power; when the complaint is made against a person, entrenched in authority and armed with patronage, whose very breath confers influence and office, or takes them away, whose liability is to the very Minister, who is his patron, and is naturally disposed to view even his aberrations with a favourable and excusing eye. On that account, among others, we desire in our government some higher security than a disposition to atone, or a liability to arraignment, in its nature and circumstances almost impracticable, and almost always unsuccessful.

It is on this account, may it please your Excellency, we desire to see every Governor surrounded by confidential advisers, who, from their local knowledge, can supply with sworn advice, as the surest means of preventing error, or the humiliating necessity of "atonement" or "arraignment" for it. According to Holy Writ "in a multitude of counsellors there is safety;" it is, therefore, natural for us rather to wish to see the management of our affairs by your Excellency with the aid of an acceptable Council, than by your Excellency alone. Your Excellency must take advice upon assuming a new government in a country in which you are a stranger; and it has been to us a source of painful mortification and disappointment to find that your Excellency was consulting irresponsible individuals, neither possessing nor entitled to political confidence, even to the humiliating exclusion of your sworn advisers, provided by law and selected by yourself. Hence it is that there has scarcely been a single act of your administration satisfactory to the community your Excellency perhaps intended to serve.

It is against ourselves and our friends engaged in the common cause of constitutional government that your Excellency seems to direct the charge of preventing your "rooting up the tree of abuse, because they have *built and feathered their nests* in its branches." In this "tree" many indeed have "built and feathered their nests;" but, heretofore, reformers have never been allowed even to perch upon its branches, repose in its shade, or partake of its fruit. The ultra tories, who have unhappily held your Excellency's ear and confidence, have enjoyed a complete monopoly; and it is an historical fact, that our Governors, among the rest, have built "and feathered their nests," and then carried their accumulated wealth, with themselves, out of the country. We trust your Excellency will feel on this subject how unjust it is that a community (as your Excellency observes) whose public revenues do not exceed the income of many a commoner in England, should be called upon to pay for the administration of even an irresponsible government a sum almost equal to that received by the President of the United States, with a transcendent wealth and power that put our comparative condition to shame.

We are surprised at the information your Excellency gives us, that the Executive Council of the province is "*sworn to be dumb*;" for we always thought they were sworn to advise the King and his representative upon our affairs; supposing your Excellency were so far to unseal their mouths as freely to receive their advice, we see no difficulty in its being given secretly, yet responsibly. In England ministers give their advice under an oath of secrecy, and are still responsible. There can be, therefore, no greater inconsistency in such a relation subsisting between your Excellency and your Council. Actions often indicate more strikingly than words; and although your Counsellors cannot reveal what they *say*, the whole country can see what is *done*.

We care not how dumb they are *out* of the Council, if their mouths are not sealed *in* it; and the Province is allowed to feel and enjoy the manifest fruits of their counsel, without knowledge

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knowledge what it was. The Council should be responsible for giving good advice, while your Excellency would retain enough of responsibility by deciding upon it. We should not the better esteem a Judge who refused to listen to an argument before he gave a judgment, or a jury who sealed their ears against the charge of a Judge, in order to manifest their self-sufficiency in giving a verdict. The Judge condescends to hear the argument of a counsel, the jury listens to the Judge's charge, and your Excellency should, as seems to our "plain and homely" minds, listen on all subjects to the conscientious advice of the sworn advisers, selected by yourself for their "talents and integrity."

We have carefully read, as your Excellency recommended, the Constitutional Act, and although your Excellency assures us that by it "a House of Assembly and Legislative Council and Lieutenant-Governor are appointed, but that it creates no Executive Council," yet we read so clearly, in three several places, almost the very same comprehensive words, viz. "with the consent of such Executive Council as shall be appointed by His Majesty, His heirs and successors, within such province, for the affairs thereof," that we must believe some evil and irresponsible advisers have put into your Excellency's hand a mutilated copy of our constitution. We cannot reconcile your present declaration with the reply to your late Executive Council, in which your Excellency distinctly admits that the most liberal construction which can possibly be put upon that Act amounts to this, "that as an Executive Council was evidently intended to exist, the remnant of the old ought not to be deemed totally extinct, until its successor was appointed. However, this latest intention of His Majesty to create a Council for each of the *provinces* of his Canadian dominions was soon clearly divulged in a most important document, commonly called "*The King's Instructions*," in which the Executive Council was regularly constituted and declared as follows: "Whereas We have thought fit that there should be an Executive Council for assisting you, or the Lieutenant-Governor, or person administering the government of the said province of Upper Canada," * * * * * "and to the end that our said Executive Council may be assisting to you in all *affairs relating to our service*, you are to communicate to them such and so many of our instructions, *wherein their advice is mentioned to be requisite*, and likewise all such others from time to time as you shall find convenient for our service to be imparted to them."

It is therefore as plain as law can be written, that the constitutional Act provided for the appointment, by His Majesty, of an Executive Council, and that the King has accordingly created such a Council, "to the end that they might be assisting to your Excellency in all affairs relating to His Majesty's service." This Council, so organised, is now as much a part of our constitution as the great Council of Parliament. The law allows the people to elect the House of Assembly, and gives the King the power of summoning whom he pleases to the Legislative and Executive Councils: all are alike created or provided for by this Act, though it does not specify by name the particular individuals to constitute either of them.

We welcome the concession of your Excellency to the merit of the able and enlightened *Simcoe*, to whose memory we would cheerfully erect a monument. We never said that that justly revered representative of the King either did or could alter the law. But we still think that an able and enlightened man, who assisted in passing the law, amidst all the debates upon it, and who was first commissioned to put it into operation amongst us, was of all men best qualified to explain that law, and its intended scope and application. *Simcoe*, with all his personal knowledge about the law and lawgivers, declared that it was intended to give us, not a mutilated constitution, but one "the very image and transcript of that of Great Britain." Your Excellency, on the contrary, after the lapse of nearly half a century, asserts, that neither the law nor the lawgivers (of whom *Simcoe* was one) ever gave, or intended to give what *Simcoe*, in the name of the King, solemnly announced from the throne.

In England, our fellow subjects have a King, with his Executive Council (commonly called his Privy Council), a House of Lords and a House of Commons. In this country we have corresponding institutions, viz., a representative of the King, with an Executive Council, a Legislative Council and a House of Assembly. We only ask that these institutions should be put into operation in a manner corresponding to what is practised in England; and, consequently, that the Executive Council, under oath, should as fully and freely advise your Excellency on affairs here, as the Privy Council, under oath, advise His most gracious Majesty. This is what the Constitutional Act implies; it is what *Simcoe* announced; it is what our liberties require; and what nothing, without our own consent, can lawfully abridge or take away.

If your Excellency will not govern us upon these principles, you will exercise arbitrary sway, you will violate our charter, virtually abrogate our law, and justly forfeit our submission to your authority.

We have the honour to be, Sir,

Your Excellency's obedient humble Servants,

(signed)

Jesse Ketchum,

James H. Price,

James Lesslie,

Andrew MacGlashen,

James Shannon,

Robert MacKay,

M. MacLellan,

Timothy Parsons,

Wm. Lesslie,

John Mills,

E. T. Henderson,

John Doel,

John E. Tims,

Wm. J. O'Grady.

(T.)

Appendix.

Sir,

Front Street, 12th April 1836.

Letter from
R. Baldwin, Esq. to
Peter Perry, Esq.

IN answer to your letter of this day, in which, after referring to a paragraph in the Lieutenant-Governor's Reply to the Address from the citizens of Toronto, you add, "as you and your late colleagues are charged with having first entered into an arrangement clearly forewarning you of the extent to which you would be counselled, and then altogether in a body disputing it, I write this communication, that you may give any justification of your conduct you may desire," I beg to state, that the expressions to which you allude, seem to be understood by the Committee in a sense much more extensive than could have been intended by the Lieutenant-Governor, for though, as stated in my letter to you of the 16th ultimo, his Excellency frankly avowed his dissent from my views of the constitution, so far from his giving me the least reason to suppose that I was never to offer my advice, except when called upon for it, or that my view of the practical administration of the Government under the constitution was not again to be recurred to, he himself "suggested, as an inducement to me to accept of a seat in the Council, the increased facilities which, by my place in the Executive Council, *would be afforded towards the more efficiently representing and urging* my views, his Excellency declaring that his doors should at all times be open to me, and that he should be happy to listen and give his most serious consideration to *any subject which I might at any time think it important to lay before him.*" And indeed the whole tenor of my official intercourse with his Excellency was inconsistent with the presumption that my advice was never to be given except it was asked.

Another circumstance, which would seem to show that a sense has been put upon the Lieutenant-Governor's words which they could scarcely have been intended by him to bear, is, that his Excellency alleges "that we parted on a point of dry law," he could not therefore intend to impute to us the breach of any agreement, either express or implied.

Again, his Excellency more than once declared that he should not have been at all surprised had the representation proceeded from me. Whereas, had it been any breach of a supposed previous understanding, I was as much a party to that understanding as either of my colleagues, Mr. Dunn or Dr. Rolph, and of course equally involved in the consequences.

But not to multiply reasons, I need only add, as finally conclusive upon this subject, that his Excellency's words, understood in the sense alluded to, would be wholly inconsistent with the fact. It was never understood previous to our being sworn in, nor did any thing whatever transpire previous to that period which could have given his Excellency any ground for supposing it to be understood by us either that we were not to offer our advice whenever we thought it proper to do so, or that the subject of the adoption of my views of the constitution was to be dropped.

In fine, I can safely assert, that had his Excellency given me the slightest hint that he expected that I was never to offer my opinion except when required to do so, I should have unhesitatingly rejected the proposal to join the Executive Council on such terms; but the whole tenor of the conversations which I had the honour of holding with his Excellency previous to my being sworn in, to say nothing of the express assurances above alluded to, excluded such a supposition from once suggesting itself to my mind. I therefore feel bound to state, that any other construction put upon the terms on which I accepted office, than such as is to be gathered from the statement contained in those paragraphs of my former letter above quoted, is wholly erroneous.

I have the honour to be, Sir,

Your obedient, humble servant,

Robt. Baldwin.

To P. Perry, Esq.

Chairman of the Committee, &c. &c.

Committee Room, 13th April 1836.

Robert Baldwin, esq. called in, and Examined.

Evidence of
R. Baldwin, Esq.

Q. 1. On what day were the Hon. John Henry Dunn, Dr. Rolph and yourself, sworn into office as executive councillors?—A. On Saturday, the 20th of February last.

Q. 2. Was the Lieutenant Governor's note to you, a copy of which you appended to your letter to Mr. Perry of the 16th of March last, received by you previous to your being sworn in?—A. It was not.

Q. 3. When was it received?—A. At ten o'clock in the evening of the day on which we were sworn in. But I was given to understand that an accidental circumstance had occasioned its not having been delivered at an earlier period on the same day.

Q. 4. Is it such a note as you had reason to expect from the conference mentioned by you in your letter to Mr. Perry, in which it was settled to be written?—A. I conceive not; I cannot pretend to recollect the exact terms of the draft written by his Excellency on that occasion, and then read to us; but I do not hesitate to say, that it materially differed from the note I afterwards received. Dr. Rolph happened to be with me at the time I received the note, and I at once expressed my entire dissatisfaction with its contents, and proposed taking it back to the Lieutenant Governor, and refusing to receive it. I was, however, persuaded by Dr. Rolph and Mr. Dunn, whom I called to see upon the subject on the Monday after, that as it could not be that his Excellency intended any thing disingenuous

by

by us; and as the public would, no doubt, put, a liberal construction upon the letter, it was better, more particularly as we had been actually sworn in, to let it pass without further difficulty. I must, however, add, that when the draft was read over to us by his Excellency, as he did not seem quite satisfied with the wording, it was understood that he was at liberty to alter its phraseology, retaining, of course, its spirit and substance; and I certainly attributed the difference between the draft read to us and the note which I afterwards received, entirely to his Excellency's being unable, from his want of practical acquaintance with political life, fully to comprehend the difficulties which I felt in yielding to his request to join his council, and not to the slightest desire on his part to deviate from the spirit of the understanding. Such was certainly my impression at the time; but had I supposed it possible that such application of the unexpected terms in which his Excellency's note was couched, as is now attributed to his Excellency, could have been intended, I should certainly have returned the note, and insisted on such a one as I had reason to expect; or if this had been refused, have resigned on that ground alone.

Q. 5. In what respect do you conceive the draft read to you and the note afterwards sent to differ?—A. The draft was more explicit as the unfettered terms upon which I took office; and although I could not say it contained no declaration of the confidence his Excellency would place in our advice when "required," it was by no means the prominent feature in the draft; and I can safely say could only have been understood both by myself and my colleagues merely as a general expression of confidence, and not as a limitation of the duties expected of us; and I feel convinced that his Excellency could have used it for no other purpose, because he had no reason to suppose that we could have understood it in any other, and to imagine the contrary would be to attribute to his Excellency that he made use of terms to us to which he applied one sense at a time when he knew us to receive them in another, without explaining the sense in which he intended them to be understood.

Q. 6. It appears from his Excellency's answer to the Address of the House of Assembly of the 26th of March, that the note which he wrote to you, of which the following is an extract, "I shall rely on your giving me your unbiassed opinion on all subjects respecting which I may feel it advisable to require it," was written during the negotiation between his Excellency and the Council previously to their taking office, and, in fact, was part of the negotiation, and implies that it contained the conditions of their taking office, and that they took office after the communication of that note. Is that the case, and is that the true inference according to your understanding?—A. For the facts I refer to my previous answers and my letter to Mr. Perry of the 16th ult., and as to the inference, it is of course a matter of opinion; but I cannot for my own part suggest any construction of the passage referred to consistent with those facts.

Q. 7. Were any steps taken having a tendency to guard against the divulgement of the proceedings in Council upon this matter?—A. The oath of office was administered to the under clerks in the council office, it having been ascertained on inquiry that they had not previously been sworn to secrecy.

Q. 8. It has been alleged that his Excellency, in his reply to the city corporation, intended to be understood as referring to the late Council, when he represented that the new theory respecting the powers of the Executive Council "had been secretly promulgated." Is such a charge warranted by the fact?—A. As far as regards myself, I distinctly assert that it is not the fact, and I have no doubt that it is not the fact as respects any of my former colleagues.

Dr. Rolph, called in; and Examined.

Question 1. ON what day were the late Executive Council, of which you were a member, sworn in?—Answer. On the 20th of February last.

Evidence of
Dr. Rolph.

Q. Have you any knowledge of a letter addressed by his Excellency to Mr. Robert Baldwin, relative to the terms on which you and your colleagues took office? if so, state what you know?—A. I was present with Mr. Robert Baldwin and the honourable Mr. Dunn on the 19th of February last, at the Government House, when Mr. Robert Baldwin informed his Excellency that we were desirous before joining the Executive Council to receive a written assurance from his Excellency of the unfettered terms upon which we entered into office, lest it should be supposed by the public that in doing so we had compromised the principles which we have heretofore avowed and acted on. To this suggestion his Excellency acceded, and drafted a note to that effect, adding, that as the phraseology might be improved, he would without delay prepare and transmit it to Mr. Baldwin, who would send copies to me and Mr. Dunn. We were sworn into office in the afternoon of the following day, and I heard nothing more of this letter (except the uneasiness of Mr. Baldwin at not having received it) until 10 o'clock at night, when I was in company with Mr. Baldwin, and the letter was received. Upon reading it, Mr. Baldwin immediately noticed, as I did myself, the unexpected change, not only in the language, but in the substance of the letter, and Mr. Baldwin would have returned it, had I not expressed my reluctance to question the ingenuousness of the Lieutenant-Governor, and enter upon a discussion which might seriously interfere with the harmony of the Council. Had I supposed that the word "require" could have been intended to abridge the great and unlimited latitude before given by his Excellency, I should certainly not have consented to be sworn into office had the letter been received on the 19th, and I should have resigned on receiving a copy of it on the 22d from Mr. Baldwin. The sole object of the letter, and it was intended to embrace, was the admission that we joined the Council without changing our principles.

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Evidence of
Dr. Rolph.

Q. 3. It appears from his Excellency's answer to the Address of the House of Assembly of March 26th, that the note which he wrote to Mr. Baldwin, of which the following is an extract — "I shall rely on your giving me your unbiassed opinion on all subjects respecting which I may feel it advisable to require it,"—was written during the negociation between his Excellency and the Council previously to their taking office, and in fact was part of the negociation, and implies that it contained the conditions of their taking office, and that they took office after the communication of that note; is that the case, and is that the true inference according to your understanding?—A. I confess I understand the passage given me to read to mean that the letter sent to Mr. Baldwin was the conclusion of the negociation on the part of his Excellency, and intended to convey to Mr. Baldwin, for the information of himself and his colleagues, the terms upon which his Excellency would accept our services, and that after the receipt of that letter we went into office on those terms and then disputed them. But such certainly was not the case: the letter in question was wholly independent of the negociation, and not even mentioned till it was so far concluded that we waited on his Excellency on the 19th merely to receive a more formal and united invitation to his Council. We did then receive such an invitation, and the object of the letter was then suggested by Mr. Baldwin, and promised by his Excellency, for the simple purpose of enabling Mr. Baldwin and his colleagues to repel any presumption of abandoning their principles on taking office.

Q. 4. Were any steps taken having a tendency to guard against the divulgement of the proceedings in Council upon this matter?—A. The junior clerks were sworn to secresy, as it had not before been done.

Q. 5. It has been alleged that his Excellency in his reply to the City Corporation, intended to be understood as referring to the late Council, when he represented that the new theory respecting the powers of the Executive Council "had been secretly promulgated;" is such a charge warranted by the fact?—A. It is wholly unfounded as regards myself, and every thing which passed between me and other members of Council satisfies me that it is as equally unfounded as respects them.

(U.)

To His Excellency, Sir *F. B. Head*, Knight, Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

May it please Your Excellency,

Address from
Grand Jury to
Lieut.-Governor.

WE, the undersigned grand jurors, representing the Home district at the Spring Assize now holding, respectfully beg to assure your Excellency that the liberal policy designed to be pursued, and the paternal solicitude manifested by His Majesty's Government towards this province, as communicated to the Legislature soon after your arrival here, have been hailed by us as the harbingers of our prosperity and happiness.

We greatly regret that a system of political excitement hath of late years been organized in this province, engendering bitter animosities in the breasts of those whose welfare and happiness imperiously require that they should dwell together in amity; and producing party feuds too frequently ending in breaches of the peace. We are well aware that the prevalence of this system has already produced results unfavourable to the development of our internal resources and to the introduction among us of the redundant wealth and population of Great Britain; but the recent expressions of confidence in your Excellency's administration which we have heard, and in which we cordially concur, lead us to hope that the people will not long remain blinded to their own interests, but will be convinced that the most effectual mode of serving themselves consists in upholding the constitution, and directing their attention to the improvement of the land we live in, rather than to the consideration of abstract questions of government, and of theoretical changes in our constitution; changes in which very many well-educated members of the community discover no elements of good, but discern, on the contrary, the seeds of discord and confusion, producing in due season the dismemberment of this colony from the parent State, and the establishment therein of democratic institutions, uncongenial to the habits and sentiments of its British population.

We would have felt a difficulty, particularly as our especial duty is of a judicial character only, in thus expressing our opinions to your Excellency, were we not confident that they are participated in by a numerous body of the freeholders in the district we represent.

J. S. Macaulay (Foreman).
Æ. Moodie.
William Crookshank.
Andrew Mercer.
G. W. Thomson.
Francis Boyd.
John Ellah.
Silas Burnham.

Thomas D. Harris.
Alexander Burnside.
Thomas Cooper.
William Campbell.
W. Laughton.
George Gurnett.
George B. Willard.
E. O. Gapper.

(A true Copy,) J. Joseph.

HIS EXCELLENCY'S REPLY.

Gentlemen,

Appendix,

If the important object I have in view were to obtain applause, nothing could be more gratifying to my feelings than the approbation of so well-educated a body of gentlemen as the grand jury of the Home district; but, without offence, I must declare that the strict performance of my duty requires that I should neither be stimulated by popularity nor deterred by clamor. In maintaining the liberties of the inhabitants of this province, but little has been left by our Sovereign either to my judgment or discretion, and if it be true, "that the recent expressions of confidence in my administration which you have heard, and in which you cordially concur, lead you to hope that the people will not long remain blinded to their own interest," this happy effect has proceeded from no exertions of mine, but simply from my having repelled our enemies by pointing to the constitutional Act of this province.

Reply of Lieut.-
Governor to
Grand Jury.

If that noble charter had not existed, there can be no doubt but that the representative of His Majesty would have been overcome, and that the inhabitants of Upper Canada would now be under the ignominious tyranny of a secret metropolitan "Cabinet;" but your Constitution has proved to be impregnable, and at this moment no people bewail the fact more keenly than those who have lately been nearly crushed in their endeavours to undermine it.

(A true Copy.)

J. Joseph.

UPPER CANADA.

EXTRACTS from a DESPATCH of the 21st April
1836 from Sir *F. B. Head* to Lord *Glenelg*;—also,
COPY of an ADDRESS to THE KING from the
HOUSE OF ASSEMBLY.

(*Sir George Grey and Mr. Hume.*)

*Ordered, by The House of Commons, to be Printed,
30 June 1836.*

[*Price 1s.*]

UPPER CANADA.

RETURN to an Address of the Honourable The House of Commons,
dated 4 July 1836;—for,

COPY of Sir *F. B. Head's* DESPATCH of 28th May 1836, enclosing COPY of a
GAZETTE EXTRAORDINARY, notifying the DISSOLUTION of the PROVINCIAL
PARLIAMENT.

Colonial Department, }
8 July 1836.

G. GREY.

MY LORD,

Toronto, 28th May 1836.

I HAVE the honour to transmit to your Lordship a copy of a Gazette
Extraordinary, by which it will appear that I this day dissolve the Provincial
Parliament. The new elections will be concluded on the 27th of June.

The number of signatures attached to the loyal Addresses I have received
already amount to 24,100. Many others are on their way.

I have, &c.

The Lord Glenelg,
&c. &c. &c.

(signed) *F. B. Head.*

UPPER CANADA GAZETTE EXTRAORDINARY.

TORONTO, Saturday, 28th May 1836. By Authority.

PROCLAMATION, UPPER CANADA.

F. B. Head, Lieutenant Governor.

WILLIAM the FOURTH, by the Grace of GOD of the United Kingdom of Great Britain
and Ireland King, Defender of the Faith, &c. &c. &c.

To our beloved and faithful Legislative Councillors of our Province of Upper Canada,
and to our Knights, Citizens and Burgesses, of the House of Assembly of our said
Province, called and chosen to our present Parliament of our said Province, and to
all our loving Subjects to whom these Presents shall come, Greeting:

WHEREAS We have thought fit, by and with the advice of our Executive Council of our
Province of Upper Canada, to dissolve the present Provincial Parliament of our said Pro-
vince, which stands prorogued to the Fourth day of July now next ensuing.

NOW KNOW YE, That We do, for that end, publish this our Royal Proclamation, and do hereby
dissolve the said Provincial Parliament accordingly. And the Legislative Councillors, and
the Knights, Citizens and Burgesses, of the House of Assembly, are discharged from their
meeting and attendance on the said Fourth day of July next ensuing.

In testimony whereof, We have caused these our Letters to be made Patent, and the
Great Seal of our said Province to be hereunto affixed.—Witness, our trusty and well-
beloved Sir *Francis Bond Head*, K. C. H. &c. &c. &c. Lieutenant Governor of our
said Province, at Toronto, this Twenty-eighth day of May, in the year of our Lord
One thousand eight hundred and Thirty-six, and in the Sixth year of our Reign.

F. B. H.

Samuel P. Jarvis, Clk. Crown in Chancery.

By Command of His Excellency in Council,

D. Cameron, Secretary.

PROCLAMATION, UPPER CANADA.

F. B. Head, Lieutenant Governor.

WILLIAM the FOURTH, by the Grace of GOD of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, &c. &c. &c.

To all to whom these Presents shall come, Greeting :

WHEREAS We are desirous and resolved, as soon as may be, to meet our People of our said Province of Upper Canada, and to have their advice in Provincial Parliament; We do make known our Royal will and pleasure, and We do hereby summon and call together an Assembly in and for the said Province, to meet on the Sixteenth day of July now next ensuing: And We do hereby further declare, that with the advice of our Executive Council for the affairs of this Province, We have this day given orders for the issuing out Writs in due form, for summoning and calling together an Assembly in and for the said Province, which Writs are to bear teste the Twenty-eighth day of May instant, and to be returnable on the Sixteenth day of July now next ensuing.

In testimony whereof, We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed.—Witness, our trusty and well-beloved Sir *Francis Bond Head*, K. C. H. &c. &c. &c. Lieutenant Governor of our said Province, at Toronto, this Twenty-eighth day of May, in the year of our Lord One thousand eight hundred and Thirty-six, and in the Sixth year of our Reign.

F. B. H.

Samuel P. Jarvis, Clk. Crown in Chancery.

By Command of His Excellency in Council,
D. Cameron, Secretary.

UPPER CANADA.

COPY of Sir *F. Head's* DESPATCH of 28th May 1836, enclosing COPY of a GAZETTE EXTRAORDINARY, notifying the DISSOLUTION of the PROVINCIAL PARLIAMENT.

(*Sir George Grey.*)

Ordered, by The House of Commons, to be Printed,
11 July 1836.

LORD AYLMER.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 28 June 1836;—for,

COPIES of Lord *Aylmer's* DESPATCHES on 5th March 1834, addressed to the
Right Honourable *Edward Stanley*, and of the 18th March 1835, addressed
to the Earl of *Aberdeen*.

Colonial Department, }
29 June 1836. }

G. GREY.

(*Lord Viscount Ebrington.*)

Ordered, by The House of Commons, to be Printed,
30 June 1836.

[*Price 6d.*]

SCHEDULE.

No. 1.—Copy of a Despatch from Lord Aylmer to Mr. Secretary Stanley, dated Castle of St. Lewis, Quebec, 5 March 1834 (12 Enclosures) - - - - - p. 3.

- (1.) Copy of a Message sent down to the Assembly on the 13th January 1834, relative to the failure of the Supply Bill for 1833 - - - - - p. 11.
- (2.) Copy of a Message sent down to the Assembly on the 13th January 1834, with an Extract of a Despatch from the Secretary of State relative to the Expulsion of Mr. Mondelet from the Assembly during the last Session - - - - - p. 11.
- (3.) Copy of a Message sent down to the Assembly on the 14th January 1834, with an Extract from a Despatch from the Secretary of State relative to the Address of the Assembly to The King during the last Session, praying His Majesty to sanction a National Convention - - - - - p. 13.
- (4.) Copy of a Message sent down to the Assembly on the 18th January 1834, in answer to their Address for an advance of 7,000*l.* towards defraying their contingent Expenses, and Report of the Committee to whom that Message was referred - - - - - p. 13.
- (5.) Resolutions adopted in the Assembly on the 21st February 1834 upon the state of the Province - - - - - p. 16.
- (6.) Resolutions proposed by Mr. Neilson in amendment of those adopted by the House on the 21st February 1834, with the division thereon - - - - - p. 31.
- (7.) Resolutions adopted in the Assembly on the 29th November 1831 upon Viscount Goderich's Despatch of the 7th July 1831 being communicated to them - - - - - p. 32.
- (8.) List of the Legislative Council, showing the dates and modes of appointment of the Members, and whether they hold any other Offices - - - - - p. 33.
- (9.) Substance of Addresses from the Assembly to the Governor-in-Chief during the present Session, praying for information upon various subjects, with his Excellency's Answer - - - - - p. 34.
- (10.) Statement showing the Amount of the Expenses of the Civil Government for the year 1833, the Amount which was paid on account thereof, and the Balance remaining unpaid in consequence of the failure of the Supply Bill - - - - - p. 35.
- (11.) Statement showing the probable Amount of the Revenues which have hitherto been considered at the disposal of the Crown, and of the Amount of the Estimate for the Expenses of the Civil Government for the year ending 10th October 1834 - - - - - p. 36.
- (12.) Statement showing the Amount of the different Estimates for the Expenses of the Civil Government from 1829 to 1834 inclusive - - - - - p. 36.

No. 2.—Copy of a Despatch from Lord Aylmer to the Earl of Aberdeen, dated Castle of St. Lewis, Quebec, 18th March 1835 (Four Enclosures) - - - - - p. 37.

COPIES of Lord *Aylmer's* DESPATCHES on 5th March 1834, addressed to the Right Honourable *Edward Stanley*, and of the 18th March 1835, addressed to the Earl of *Aberdeen*.

— No. 1. —

Sir,

Castle of St. Lewis, Quebec, 5 March 1834.

IN my despatch of the 13th January, and of the 22d of the same month, I had the honour of reporting to you the opening of the Session of the Provincial Parliament of Lower Canada, on the 7th of January, and the failure of Mr. Bourdage's attempt to prevent the House of Assembly from proceeding to business, by reviving their Resolutions of last Session, to hold no further intercourse with me, in consequence of my refusal to sign a writ for the election of a Member of the House of Assembly, in place of the Honourable Dominique Mondelet, who had been deprived of his seat on the authority of a Resolution of the House, for having accepted the office of Executive Councillor.

Immediately upon receiving the Address of the House of Assembly in answer to my opening Speech, I sent down (on the 13th January) two messages, one relating to the financial difficulties of the Local Government, and another communicating the views of His Majesty's Government regarding the case of Mr. Mondelet; and on the following day (the 14th of January), I sent down another message to the House of Assembly, conveying the answer of His Majesty's Government to the Address of the House (transmitted towards the close of last Session), upon the subject of the Legislative Council. Copies of the three messages above mentioned will be found amongst the accompanying documents.

Instead of proceeding at once to the consideration of the financial difficulties of the Local Government, which in obedience to the instructions received by me had been so urgently pressed upon their early attention, a call of the House was ordered for a distant day (the 15th of February), for the purpose of taking the state of the province into consideration. This proceeding appeared the more remarkable, from the circumstance of a very considerable number of the Members being present in their places; very few, in fact, were absent when the call of the House was ordered.

This delay in entering upon the consideration of a subject to which so much interest was attached by His Majesty's Government, and which, in fact, was of vital importance, was not calculated to create very sanguine expectations as to the disposition of the House of Assembly to relieve the financial difficulties of the Local Government; it inspired me, on the contrary, with serious apprehensions for the result, which were not a little increased when, not many days afterwards, an Address was presented to me from the House of Assembly, praying for the issue of my warrant for 7,000*l.* on account, towards defraying their contingent expenses.

This eagerness to provide for their own wants, whilst the consideration even of those of the Government was deferred to a distant day, excited in my mind (I must confess) sinister suspicions as to the ultimate intentions of the House. I decided, therefore, to decline incurring any further responsibility in making the advance applied for; and without entering into the whole of my motives for doing so, in my answer to their Address, I assigned such as appeared to me sufficient to justify my refusal; these will be found stated in my Message in answer to the Address of the House of Assembly, to which I take leave to call your particular attention, as well as to the Report of the Committee to which it was referred, because of the importance which has been attached to this subject by the House of Assembly, in the 92 Resolutions subsequently adopted by them.

To have made a large advance by means of an accountable warrant, to relieve the House of Assembly from the pressure of engagements entered into for their

No. 1.

No. 2.

No. 3.

No. 4.

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own purposes, at a moment when the officers of Government were labouring under the most serious embarrassments, and some of them almost in a state of destitution for want of the salaries to which they are justly entitled in remuneration of their services, appeared to me to be an act which would have justly exposed me to the reproach of having sacrificed their interests to an unmerited compliance with the wishes of the House of Assembly.

But this is not all. The House of Assembly had during the last Session received upon their Addresses nearly the whole amount of the estimate of their contingent expenses for the year ending in October 1833, which estimate, it is to be observed, is included in the general estimate of the expenses of the civil government, and the administration of justice for that year still remaining to be provided for by legislative enactments; and it appears, moreover, by an official statement of the contingent expenses of the Assembly, published towards the close of last year, that the House had contracted engagements or incurred expenses to nearly the amount of the advance (7,000*l.*) above referred to, which statement included salaries and allowances not recognized by legal enactments, and which therefore could not have been admitted in any issue made to the House; so that even supposing I could have felt justified in waiving the objections stated in my answer to their address, and the other objections arising out of my regard for the interests of the public officers as above stated, I must have fallen at once into another difficulty, caused by the items of illegal salaries and appointments, included in the statement of the expenses of the House, unless (which my experience of the House of Assembly could hardly justify me in anticipating) they could have been induced to forego the right they have assumed to create offices, and to assign salaries and appointments upon their own single authority.

Such were the circumstances under which I felt bound to withhold my warrant for the issue of 7,000*l.* on the application of the House of Assembly. Their own Committee, in their Report (of which a copy is herewith transmitted), have clearly pointed out the course by which the House might at least have attempted the removal of my objections to a compliance with their wishes; but instead of adopting that course, the House have preferred adding this to the mass of complaints contained in their 92 Resolutions, which I shall have occasion to notice presently.

In obedience to the Order for the call of the House, the names of the Members were called over on the 15th ultimo; three only were found absent, and those who answered to their names amounted to 83. Little business was done for some days, during which a long set of Resolutions were in preparation, which were on the 18th ultimo, to the number of 92, laid upon the table of the House. On the 19th the House in Committee proceeded to the consideration of the Resolutions, when it was moved by Mr. Neilson, to substitute others in place of them: his motion was lost, however, by a large majority. The whole of the 92 Resolutions have been since passed in a Committee of the whole House, concurred in by the House, without amendment, and referred to a Committee, with instructions to draft an Address upon them, to the three branches of the Imperial Parliament.

The division upon the question of concurrence in the House, was 56 for, and 24 against the Resolutions.

It is a circumstance deserving notice, that Messrs. Neilson and Cuvillier, two of the three Members (the third, the Honourable D. B. Viger, now a Legislative Councillor, is absent from the province) deputed to England in 1828, to support the petitions addressed to the Imperial Parliament by the people of this province, voted with the minority.

I have now the honour of transmitting a copy of these 92 Resolutions; but before I proceed to offer any observations upon them, I cannot avoid pointing out to your notice the extraordinary change which has taken place in the sentiments and views of the House of Assembly of Lower Canada within the last few years, as more particularly appears by their Resolutions upon the despatch of Viscount Goderich, of the 7th of July 1831, a copy of which Resolutions, dated 24th November 1831, is herewith transmitted, commencing with the following words: "Resolved, That this House views with sentiments of gratitude the gracious expressions of His Majesty's paternal regard for the welfare and happiness of His subjects in this province, and the proofs of a just and liberal policy towards them, contained in the despatch of His Majesty's Principal Secretary of State for the Colonial Department, dated the 7th July last," &c.

The

No. 5.

No. 6.

No. 7.

The whole tenor of the 92 Resolutions now transmitted is unhappily not only at variance with the Resolutions above referred to, but is calculated to excite at a distance the most lively apprehensions for the tranquillity of the province, which I am eager to anticipate with the assurance that no just grounds exist for entertaining any such apprehensions.

When a grave and deliberative body like the House of Assembly, representing a population exceeding half a million of persons, expresses its hatred of the order of things to which it owes its political existence, and of the authorities entrusted with the management of its affairs, in violent and vituperative language, which would hardly be recorded in the proceedings of a tumultuous popular meeting, acting under the influence of highly excited feelings, it will very naturally be inferred that the whole population of the province must be in a most alarming state of agitation, and that the language of the House of Assembly is but an echo of the sentiments of the people loudly and vehemently expressed from one end of the country to the other.

It affords me great satisfaction, however, to be able to assure you, that the very reverse of this is the fact. The people of the province are everywhere perfectly tranquil; and I have no knowledge of any public meetings having taken place in connexion with the proceedings of the House of Assembly, although efforts have not been wanting to accomplish that object.

The vehemence of feeling which breathes throughout the 92 Resolutions of the House of Assembly is confined to the walls of that Assembly, and to a very limited number of individuals in certain parts of the country.

The main object which the House of Assembly appear to have in view, is to get rid of the constitution granted to this province by the wisdom of the British Parliament in the year 1791, in order to be at liberty to undertake the search after some other form of government better suited, as they pretend, to the wishes, manners and social habits of the people.

It would, I apprehend, be foreign to my duty, as the King's servant, deputed by His Majesty to administer the Government of this province according to the laws now in force, to follow the House of Assembly beyond the limits of the constitution; but it is necessary that I should notice the salient points of their Resolutions, in so far as they affect the local administration of the province, for the purpose of furnishing such facts and explanations as may be necessary to lead to a just estimate of the statements they contain. These points may be classed under eleven heads, which shall be considered separately, as follows:

1. The Legislative Council.
2. The Executive Council.
3. The Waste Lands of the Crown.
4. The case of Mr. Mondelet.
5. The Interference of the Military Force at Elections.
6. The Canada Tenures Act.
7. Control of the Revenue.
8. Withholding Public Documents by the Executive during the present Session.
9. Payments made by the Executive without lawful Authority.
10. Contingent Expenses of the House of Assembly.
11. Misconduct of Public Officers.

1. The Legislative Council.

Since the date of the Report of the Committee of the House of Commons upon the affairs of the Canadas, the recommendations of which Committee have until a late period been constantly invoked by the House of Assembly of Lower Canada, as containing remedies for the various evils of which they complain, and amongst others the composition of the Legislative and Executive Councils, the former of these bodies (the Legislative Council) has undergone important changes, all tending to render it more and more independent of the Crown than it was at the period above referred to. This fact is fully established by the following statement:

No. 8.

Two Legislative Councillors, puisne judges of the court of King's Bench for the district of Quebec (Messrs. Kerr and Bowen), have abstained from sitting and voting in the Legislative Council, on being informed of the determination of His Majesty not to appoint puisne judges to be Legislative Councillors in future.

The following additions have been made to the Legislative Council subsequent to the period above referred to, namely,

Messrs. the Honourable	
1. S. Hatt.	Appointed during the administration of Sir James Kempt.
2. D. B. Viger *.	
3. Louis Guy *.	
4. George Moffatt.	
1. R. de St. Ours *.	Appointed during the administration of Lord Aylmer.
2. Peter M'Gill.	
3. John Molson.	
4. M. P. de Sales Laterrière *.	
5. F. X. Malhiot *.	
6. J. Desaulles *.	
7. B. Joliette *.	
8. P. de Rocheblave *.	
9. R. Harwood.	
10. A. Couillard *.	
11. Horatio Gates.	
12. R. Jones.	
13. J. Baxter.	
14. Frs. Quirouet *.	

In all 18 ; of whom 10 (their names are marked by an asterisk) are of French origin, or as they are usually styled in this province (unhappily, I think, as tending to keep up national distinction), French Canadians, to distinguish them from Canadians of a different origin.

Not one of those 18 gentlemen holds office, or is in any way connected with or dependent upon the Government of the Province.

The actual state of the Legislative Council is as follows : it consists of 35 Members, taken from the most opulent and respectable classes of society, of various origin, in different parts of the province, of whom seven only hold office, including their speaker (the chief justice of the Province), and the Lord Bishop of Quebec, who is rarely present at the deliberations of the Council.

It would be difficult perhaps to find in any British Colony a legislative body more independent of the Crown than the Legislative Council of Lower Canada ; and so far am I from possessing, as the King's representative, any influence there, that I will not conceal that I have on more than one occasion regretted the course adopted by the council. But whilst I make this confession I will not deny but I have, on the contrary, much satisfaction in avowing that I repose great confidence in that branch of the Colonial Legislature ; it is a confidence derived from my knowledge of the upright, independent and honourable character of the great majority of those who compose it, and of their firm and unalterable attachment to His Majesty's person and Government, and to the constitution of the colony as by law established.

My sentiments regarding the present Legislative Council are not of recent date, or displayed now to serve the purpose of the moment ; they are already recorded more fully in my despatch of the 27th of March 1833, upon the Address of the House of Assembly to His Majesty of the 20th of March 1833, to render the Legislative Council elective, or to do away with it altogether ; and to that despatch I now take the liberty of referring.

2. *The Executive Council.*

In enumerating the changes which have taken place in the Executive Council, I will refer, as in the case of the Legislative Council, to the date of the Report of the Committee of the House of Commons on the affairs of Canada.

The following are the changes alluded to as having occurred subsequent to that period.

The

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out the authority of the Secretary of State, previously obtained, or under regulations sanctioned by His Majesty's Government. As to the complaints of the House of Assembly, with reference to the establishment of a land company in England, and the transfer to that company of an extensive portion of those lands, I have only this observation to offer, that the right of the Crown to the disposal of the waste lands of the province, is a right acquired by conquest and confirmed by treaties.

4. *The case of Mr. Mondelet.*

The alleged interference of the Executive Government of the province with the privileges of the House of Assembly, during the last Session, in the case of Mr. Mondelet. This subject of complaint having been disposed of by His Majesty's Government, I will only here take the liberty of referring to the dates of my several despatches in relation to it, which with their accompanying documents will be found to contain ample information on that subject, as follows: November 29th 1832, No. 100; December 27th 1832, No. 105; March 20th 1833, No. 27.

5. *The interference of the Military force at Elections.*

The interference of the military force at elections, by which I apprehend is meant the employment of the military force, under the directions of the civil authorities in the suppression of a riot, which took place at Montreal, in the Month of May 1832, at the time when an election was going forward of a representative for the west ward of that city.

This, as well as the foregoing subject of complaint, on the part of the House of Assembly, having been already disposed of by His Majesty's Government, it will perhaps be sufficient merely to refer to the dates of my several despatches in relation to it, as follows; namely, 31st May 1832, No. 43; 6th June 1832, No. 46; 7th June 1832, separate; 7th September 1832, No. 76; 24th September 1832, No. 82.

It is, however, worthy of remark, that the House of Assembly has been engaged in a most laborious investigation of this subject during the whole of the last and present Sessions; and it is generally supposed that few, if any, witnesses have even yet been examined in disculpation of the parties implicated by the House; at all events, it is certain that the Committee of the whole House, which has been so engaged, have not yet made their report, and yet the subject of this solemn inquiry, still pending, is described in the Resolutions of the House of Assembly as "a sanguinary execution of the citizens by the soldiery."

6. *The Canada Tenures Act.*

It must be taken for granted that this subject was well and duly considered by His Majesty's Government before recommending it to the consideration of the Imperial Parliament. I will therefore only take the liberty of observing, that having been now for a considerable time in operation, the effects of the Tenures Act have become interwoven to a degree which must unavoidably increase every day with the concerns of the inhabitants of the province in relation to their property; and that the observance of extreme caution will therefore be necessary in making any attempt to alter or modify its provisions.

7. *Control of the Revenue.*

I have only to remark, under this head, that the House of Assembly assert a right to control the whole of the revenue raised in the province, without excepting the produce of the sales of the Crown lands, and of licences to cut timber.

8. *Withholding Public Documents by the Executive during the present Session.*

Amongst the accompanying documents will be found a statement of the substances of addresses of the House of Assembly, and of any answers presented to me since the commencement of the present Session, praying for information upon various subjects of local interest. They are 25 in number, to all of which favourable answers have been returned, excepting four instances, in which, for reasons which I am prepared to state if necessary, the information sought for was denied.

But

But I must positively deny the truth of the assertion of the House of Assembly, that I have refused to interfere in cases where public officers have withheld (as they allege) information when required to furnish it. The opportunity of doing so has never been afforded me, since I have no knowledge through the means of any regular and Parliamentary communication of any such information having been withheld; nor do I believe it has been in fact withheld, but that, on the contrary, the public officers examined before the Committees of the House of Assembly, have shown the greatest readiness, as in duty bound, to furnish the desired information. Some (as I have been told) have very properly declined divesting themselves, without authority from the Executive Government, of the public documents in their charge, produced for the inspection of the Committees of the House of Assembly, for the purpose of leaving them in the hands of those Committees; and it is very obvious, that if the practice, which the House of Assembly appears desirous of establishing, were to obtain, a large portion of the public documents of the province would be transferred during an entire session to the Committee-rooms of the House of Assembly, to the great interruption of the ordinary business of the departments concerned, to say nothing of the risk of loss or damage to the documents themselves whilst in possession of the Committees.

9. *Payments made by the Executive without lawful Authority.*

It is asserted by the House of Assembly, in their seventieth resolution, that since the last Session of the Provincial Parliament, the Governor-in-chief of the province and the Members of the Executive Government have, without any lawful authority, paid large sums out of the public revenue, subject to the control of the House.

The payments here alluded to are evidently those which have been made during the last year, of part of the salaries of public officers, and on account of other public services, in pursuance of the instructions of His Majesty's Government, and under the authority of the existing laws of the province; no other payments have been made out of the public funds, excepting one connected with the public health, which has been sanctioned without hesitation by the House of Assembly during the present Session.

10. *Contingent Expenses of the House of Assembly.*

An application for the issue of a warrant for 7,000 *l.* during the present Session, towards defraying the contingent expenses of the House of Assembly, refused by the Governor. This subject has been noticed in the foregoing part of this despatch, to which it more properly belongs.

11. *Misconduct of Public Officers.*

The misconduct of public officers in the discharge of their duty. The wholesale assertions (if I may be permitted to use the expression) of the House of Assembly, imputing corrupt motives, and misconduct in the discharge of their duty, to persons in authority in the province, can only be met, in their present shape, by a general and unqualified contradiction.

I have already noticed the communications made to the House of Assembly, in pursuance of your instructions; first, in my speech at the opening of the Session, and afterwards by message, regarding the financial difficulties of the Local Government, caused by the failure of the Supply Bill of last year. It is with much regret that I have now further to report that, for the result of these communications, I have only to refer to the 92d resolution of the House of Assembly, which directs that my message of the 13th of January, relating to the Supply Bill (along with others therein mentioned), shall be expunged from their journals.

This matter having been thus unceremoniously disposed of by the House of Assembly, it now devolves upon His Majesty's Government to provide for the exigencies of the public service in this province.

The accompanying memoranda, in which all details that appeared to be unnecessary have been avoided, will, I hope, be found to contain sufficient information for that purpose.

I cannot here avoid most earnestly to solicit the early attention of His Majesty's Government to this important subject; for our daily increasing difficulties are such

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as to excite lively apprehensions for the very existence of the King's Government in the province, from the want of means to carry on its ordinary operations.

The salaries of some of the public officers are now 10 months, and of others 13 months, in arrear. To alleviate in some degree their distress, arising from this unprecedented circumstance, I purpose making a similar advance to that authorized by your despatch of the 6th of June 1833, No. 13, to be charged upon the same funds, being those which are at the disposal of the Crown towards defraying the expenses of the civil government and the administration of justice. But this can only prove a temporary relief; and unless speedily followed by the payment of the balance due on account of their salaries, will not effectually relieve the distresses of the public officers.

Without entering further than has been already done incidentally, in the foregoing part of this despatch, into the various subjects of complaint against myself, interspersed throughout the 92 resolutions of the House of Assembly, I think it necessary to make one brief remark in relation to the 85th resolution, wherein the House of Commons is called upon to bring and to support impeachments against me before the House of Lords, which is this: that, whenever called upon by competent authority, I shall be found prepared to defend my administration of the government of this province, at all points and upon the shortest notice, against any specific and intelligible charges that may be brought against it.

But I hasten to quit this subject, for the guilt or innocence of an individual is of little importance compared with the great interests of the province now at stake; and I take leave most anxiously and earnestly to beseech His Majesty's Government to consider, that to whatever causes the present state of Lower Canada may be truly ascribed, whether to vices in the administration of its affairs past and present, to the disappointed ambition of factious and evil designing men, or to other causes inherent in the structure of its society, this at least is certain, that the affairs of this noble province have been brought into such a condition, that unless the Imperial Parliament can be induced to interpose its supreme authority in relieving the Local Government from the difficulties with which it is encompassed, and in providing against the recurrence of them hereafter, the authority of the King's Government in the province must be virtually extinguished, and the institutions of the country set adrift under the guidance of those heads in which the 92 resolutions of the House of Assembly were engendered.

The disrespectful reception given to His Majesty's gracious communications, by the existing House of Assembly on various occasions, has not escaped the notice or the animadversions of His Majesty's Government, and the same marked disrespect is to be traced in certain proceedings of that assembly regarding myself; these certainly would have drawn from me appropriate remarks in my communications to the House of Assembly, had I not been withheld by important considerations arising out of the peculiar circumstances of the colony.

The true character of the dominant party in the House of Assembly has long been known to me, and I have always been thoroughly persuaded that it was only by suffering that party to pursue, without interruption, the headlong career upon which they had entered, that their schemes would be fully developed and made apparent to the public; time and patience alone were wanting to bring about this desirable result, which at length has been accomplished through the means of their own acts. The party which has so long governed the House of Assembly may now be seen by all in their true colours. In their 92 resolutions, and the addresses of the House of Assembly, founded upon those resolutions, they have traced their own portrait, which is now held up by themselves to the view of His Majesty and the Imperial Parliament. This is enough; one single touch by another hand might injure the resemblance.

I have, &c.

(signed) *Aylmer.*

P. S.—I take the liberty of calling to your recollection, that the present Parliament of Lower Canada, which was convened in the month of October 1830, upon the demise of His late Majesty, will expire, under the provisions of the Constitutional Act of 1791, in the month of October next.

(signed) *A.*

Enclosure

TO THE RIGHT HONOURABLE EDWARD STANLEY. 11

Enclosure 1, in No. 1.

MESSAGE to the HOUSE of ASSEMBLY, relative to the failure of the SUPPLY BILL of last Year.

THE Governor-in-chief, in the speech with which he opened the present Session, apprised the House of Assembly that it would be his duty to make a special communication to them, in relation to the inconvenience which has been experienced in carrying on the public service in consequence of the failure of the Supply Bill for the financial year ending in the month of October last. He now has to inform the House that, although the inconvenience alluded to has been mitigated to a certain extent by the application of funds at the disposal of the Crown, the distress of the public officers, arising from the nonpayment of the salaries to which they are justly entitled in remuneration of their services, and the deficiency of available means towards carrying on the public service in other important branches of the administration, have at length brought the local government into such straits and difficulties, that unless speedily relieved through the intervention of the Legislature, the King's service and the interests of the province must inevitably be exposed to great and serious injury. In order to make the House of Assembly acquainted with the extent to which provisions will be required on account of the service of the financial year ending in October last, the accompanying statement has been drawn up, exhibiting the several items of the estimates sent down to the House during the last session, the amount since paid on account of each item, and the balance now remaining to be provided for.

The funds appropriated by acts of the Provincial Legislature, and others at the disposal of the Crown, for the support of the civil government and the administration of justice, which have been resorted to for the payments already made, are the following, namely:

Annual aid to His Majesty, by the Provincial Act 35th Geo. 3.

Proceeds of - - - ditto - - ditto - - 41st Geo. 3.

Casual and territorial revenue.

Having thus far fulfilled his duty in laying before the House of Assembly the wants and difficulties of the executive government, the Governor-in-chief now informs the House, that having transmitted to the Secretary of State a copy of the Supply Bill, as it passed the Assembly, and was afterwards rejected by the Legislative Council, he has been instructed to point out the constitutional objections to which that Bill is liable.

The various conditions which require that certain officers should not be members of the executive or legislative councils, must be considered (in parliamentary language) "Tacks," the effect of which is to introduce changes in the laws by the decision of a single branch of the legislature. To tack to a bill of supply demanded by the exigencies of the State, a clause or enactment not properly connected with it, in order to compel the Crown or the upper house to make their choice between the loss of the supply with all the consequent mischiefs on the one hand, or the adoption of a measure which they disapprove on the other, is a practice which, though formerly attempted in the mother country, has long since discontinued, as directly tending to wrest from the King and the peers their share in the general legislation of Parliament.

Therefore, had the consideration of the very serious inconvenience sustained from the loss of the Supply Bill, induced the Legislative Council to sanction the bill of last year, in the form in which it left the House of Assembly, the Governor-in-chief has been given to understand that His Majesty could not have been advised to give his sanction to the enactment.

Nevertheless, the Governor-in-chief has been directed to express to the House of Assembly the readiness of His Majesty's Government to co-operate in rendering all public functionaries as independent as possible; but at the same time to mark the necessity for such provisions taking place by enactment, and not by resolution of one branch of the legislature.

Castle of St. Lewis, }
Quebec, 13 January 1834. }

Enclosure 2, in No. 1.

MESSAGE to the HOUSE of ASSEMBLY, relative to the expulsion of Mr. *Mondelet* during the last Session.

TOWARDS the close of the last Session, an Address from the House of Assembly was presented to the Governor-in-chief, praying that he would be pleased to communicate to the House the circumstances and reasons which had retarded the execution of the warrant for the issuing of a writ for the election of a representative for the county of Montreal, in the place of the Honourable Dominique Mondelet, Esq., whose seat was declared vacant by the House on the 21st of November 1832.

In answer to that address, the Governor-in-chief communicated to the House the fact of his having withheld his signature to the said writ, stating some of the motives which influenced him on that occasion, derived from the proceedings of the House itself in regard to the vacating of the seats of members who should accept office under Government; and the Governor-in-chief informed the House of Assembly that the subject of their

address had been referred by him to His Majesty's Government, praying for instructions for his guidance, which when received should be communicated to the House. The Governor-in-chief now informs the House of Assembly, that in answer to his reference he has received from the Secretary of State a despatch, from which the following extract in relation to the case of Mr. Mondelet is transmitted for the information of the House.

"I am in the first place to signify to you my entire approbation of your Lordship's conduct in declining to affix your name to the new writ for the election of a member for the county of Montreal in the room of Mr. Mondelet, whose seat had been declared vacant by a vote of the House of Assembly. Were I disposed to qualify in any measure this approbation, it would be to express my regret that an extreme, though not unnatural degree of caution should have led you to acquaint the House that you had referred the matter to the consideration of the Secretary of State; and that sanctioned by the opinions and advice of those whom you had very properly consulted, you should not have at once taken upon yourself to announce the decision which your own knowledge of the British constitution had led you so correctly to form. It is unnecessary for me to comment upon the tone and language adopted by the House of Assembly, in which they presume to dictate to the King's representative the occasion and the period at which, in their opinion, he ought to exercise the royal prerogative of dissolution, and hold forth the menace of ceasing to communicate with him, 'until he shall have made reparation for a breach of their rights and privileges.' My present purpose is to express the sentiments of the King's Government as to the assumption by the House of Assembly of 'rights and privileges' wholly repugnant to the practice and principle of Parliament, and incompatible with the maintenance of the British constitution. Such an assumption, I have no hesitation in declaring, the claim on the part of the assembly to vacate the seat of Mr. Mondelet, in pursuance of a forced construction of a resolution of their own House, notwithstanding the 'surprise' which they express, that your Excellency should not have known 'that your signature to a writ of election was simply and purely a ministerial act.'

"That your Lordship would not, except upon weighty considerations, desire to limit the authority of the House of Assembly over its own members, is sufficiently apparent from your not having hesitated to sign the warrant for a new writ, upon the expulsion of Mr. Christie, a proceeding upon the merits of which I am not called upon, and feel no desire to express any opinion. Assuming that the powers of the House of Assembly are in all respects not only analogous, but equal to those of the British House of Commons, I deem it not only difficult but unsafe to attempt to prescribe the bounds within which such a body should exercise the right of restraining and punishing their own members; and to the discretion of the House of Commons it has been well and wisely left, by the practice of the constitution, to decide upon the degrees of criminality in a member which should call for the highest degree of punishment in their power to inflict, the disgrace of expulsion as unworthy to belong to their body. But as the prudence of the House of Commons has rarely, if ever, permitted them to carry to a faulty extreme this power, thus wisely left indefinite, so their knowledge of the British constitution and of what was due to the privileges of the other branches of the Legislature, has preserved them from the fatal error of arrogating to themselves the monstrous right of giving to their resolutions the force of law.

"The House of Commons undoubtedly possesses, and exercises every day the right of interpreting and expounding by resolutions of its own the laws which regulate the rights of candidates and electors in certain cases, and according to certain forms, which themselves are regulated, not by resolution, but by Act of Parliament; but it neither possesses nor has ever claimed to possess any right, authority or power, without the consent of the Crown and the House of Peers, to make laws relating either to the qualification or disqualification of electors or candidates, or rather to effect their object by resolutions only. Examples are numerous and of recent date, in which restrictions analogous to those sought for by the House of Assembly have been imposed by the authority of Parliament, but they have always been by bill, and have never been sought to be obtained by resolutions of the House of Commons.

"That so extravagant an assumption should be made by a body like the House of Commons, well acquainted with its own rights, and equally acquainted with the rights of others, is not to be contemplated; but I believe I am warranted in saying that if the Speaker, in the exercise of his ministerial capacity, should be called upon to issue a warrant for a new election, in consequence of a member being unseated by an illegal resolution, the duty would devolve upon the Lord Chancellor to take notice of the cause of the vacancy, as recited in the warrant, and on the ground of illegality to refuse to affix the Great Seal to the new writ, as your Lordship has in this case very properly declined to give your sanction to the issuing of the warrant. The House of Assembly indeed appear, from the course which they claimed, to be at least doubtful, and although I have assumed throughout this despatch, that the case of Mr. Mondelet fell strictly within the terms of their resolution, I cannot but say that the instance, so far as I collect the case from the documents furnished to me by your Lordship, appears to have been most unfortunately selected for the first experiment of their right.

"Your Lordship will understand me as separating altogether the justice of the general principle, that persons accepting office of emolument under the crown should be subjected to the judgment of their constituents, from the claim set up by the assembly to effect this object by their own mere resolution; and while I am happy to express my complete approbation of your Lordship's refusal to sanction a claim so subversive of the balance of
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TO THE RIGHT HONOURABLE EDWARD STANLEY. 13

the Constitution, and ultimately so dangerous to the liberty of the subject, I shall defer until a future occasion the expression of my opinion as to the propriety of assenting to an Act which may be passed by the Legislature of Lower Canada, for carrying into effect the object of subjecting Members, accepting office under the Crown, to a new election."

Castle of St. Lewis, Quebec, 13 January 1834.

Enclosure 3, in No. 1.

MESSAGE to the HOUSE of ASSEMBLY on the subject of their Address to the King, during the last Session, praying His Majesty to sanction a National Convention.

THE Governor-in-chief communicates to the House of Assembly for its information, an extract from a despatch, addressed to him by the Secretary of State for the Colonial Department, in answer to the petition of the House, addressed to the King, which by desire of the House was transmitted to the Secretary of State during the last session, for the purpose of being laid at the foot of the throne.

"I have also laid before the King the address of the House of Assembly. I cannot pass over this document without observation. The object of this address is to pray His Majesty to sanction a national convention of the people of Canada, for the purpose of superseding the legislative authorities, and taking into their consideration in which of two modes the constitution of Lower Canada shall be altogether destroyed, whether by the introduction of the elective principle, or by the entire abolition of the Legislative Council. On the mode proposed, His Majesty is willing to put no harsher construction than that of extreme inconsiderateness: to the object sought to be obtained, His Majesty can never be advised to assent, as deeming it inconsistent with the very existence of monarchical institutions. To every measure which may secure the independence and raise the character of the Legislative Council, His Majesty will be most ready to assent. In 1828, a Committee of the House of Commons carefully investigated the grievances alleged by the inhabitants of the Canadas, and among them the constitution of the Legislative Council was a matter of serious deliberation. The Committee reported that one of the most important subjects to which their inquiries had been directed was, the state of the Legislative Council in both of the Canadas, and the manner in which those assemblies had answered the purposes for which they were instituted. The Committee strongly recommended that a more independent character should be given to those bodies, that the majority of their members should not consist of persons holding offices at the pleasure of the Crown, and that any other measures that might tend to connect more intimately that branch of the Constitution with the interests of the colonies would be attended with the greatest advantage. With respect to the judges, with the exception only of the chief justice, whose presence on particular occasions might be necessary, the Committee entertained no doubt that they had better not be involved in the political business of the House. An examination of the constitution of the body at that period and the present, will sufficiently show in what spirit His Majesty's Government have laboured to accomplish the wishes of Parliament. The House of Assembly state correctly, that it has often been avowed that the people of Canada should see nothing in the institutions of neighbouring countries to which they should look with envy. I have yet to learn that His Majesty's subjects in Canada entertain such sentiments at present, or that they desire to copy, in a monarchical government, all the institutions of a republic, or to have the mockery of an executive absolutely dependent for its existence upon a popular body usurping the whole authority of the State. I am not prepared to advise His Majesty to recommend to Parliament so serious a step as the repeal of the Act of 1791, whereby the institutions of this country were conferred separately upon the provinces of Upper and Lower Canada. Serious as are the difficulties by which your Lordship's administration is beset, they are yet not such as to induce me to despair of the practical working of the British Constitution; but should events unhappily force upon Parliament the exercise of its supreme authority to compose the internal dissension of the colonies, it would be my object and my duty, as a servant of the Crown, to submit to Parliament such modifications of the charter of the Canadas as should tend, not to the introduction of institutions inconsistent with monarchical government, but to maintaining and strengthening the connexion with the mother country, by a close adherence to the spirit of the British Constitution, and by preserving in their proper place, and within their due limits, the mutual rights and privileges of all classes of His Majesty's subjects."

Castle of St. Lewis, Quebec, 14 January 1834.

Enclosure 4, in No. 1.

MESSAGE to the HOUSE of ASSEMBLY, in relation to their Application for an Advance of 7,000 *l.* to meet their Contingent Expenses.

WITH reference to the Address of the House of Assembly of the 17th instant, praying for the issue of a warrant in favour of William Burns Lindsay, Esq., for 7,000 *l.* currency, towards defraying the contingent expenses of the House, the Governor-in-chief desires to call the attention of the House to the practice of the two Houses of Legislature, of making
application

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application to the head of the executive government, from time to time during the session of the Provincial Parliament, for the issue of warrants on account of their contingent expenses.

By the Act 33 Geo. 3. c. 8, entitled "An Act to establish a Fund for paying the Salaries of the Officers of the Legislative Council and Assembly, and for defraying the contingent expenses thereof," certain duties are imposed upon wines imported into the province, in order to create a fund for the purposes contemplated by the Act; and it may be presumed that the Legislature of that day considered that the fund so created would be found adequate to meet the demands to be made upon it on account of the salaries of the officers, and the contingent expenses of the two Houses. Experience, however, has shown that, with the exception of a few instances (three only, during a period of 40 years), the fund has proved insufficient for those demands. Accordingly, at the commencement of each session, estimates are prepared by the officers of the two Houses respectively, of their probable expenses for the year, without reference to the state of the fund, which estimates are included in the general estimate of the expenses of the civil government of the province; and the two Houses, in anticipation of a legal appropriation by the passation of a Supply Bill, have been in the habit of addressing the head of the executive government in the course of the session, for the issue of warrants on account of their respective estimates, in terms to the following effect:

The address of the Legislative Council prays, that "the Governor-in-chief will be pleased to issue his warrant in favour of _____ clerk of the Legislative Council, for the sum of _____ currency, in advance of expenses to be incurred by him, and for which he will hereafter account." And the address of the House of Assembly prays, "that the Governor-in-chief will be pleased to issue his warrant in favour of _____ clerk of this house, for _____ currency, towards defraying the contingent expenses of this House; and that the said sum be charged to the fund by law appropriated to that effect, assuring his Excellency that if the said fund is not sufficient the House will make good the same."

So long as the advances made to the two Houses, upon their addresses, shall not exceed the amount of the fund created and appropriated by the Act 33 Geo. 3, c. 8, such advances are perfectly regular and legal, and the head of the executive government incurs no responsibility in any quarter in ordering them to be made. But the case is different whenever such advances are found to exceed the amount of the fund, for the head of the executive government then becomes responsible for the excess, and continues so to be until relieved by a legislative enactment; or, in other words, by a Supply Bill.

In the ordinary course of Parliamentary affairs, the existence of the responsibility thus incurred by the head of the executive government, although objectionable in principle, under any circumstances, is of short duration in point of time; for the whole of his advances to the two Houses, upon their addresses during the session, are speedily covered by the Bill of Supply.

The Supply Bill of last year having failed, the Governor-in-chief necessarily remains accountable for the advances made to the two Houses during the session (after deducting the amount of the fund created by the Act 33 Geo. 3, c. 8), a circumstance which is calculated to excite in his mind no inconsiderable degree of anxiety; for should the present Session, probably the last of this Parliament, be brought to a close without provision being made for the estimate of last year (in which are included the estimates of the expenses of the two Houses), the same responsibility must continue to attach to him; and it is possible that the next succeeding Parliament may not be disposed to make good the engagements entered into by the existing House of Assembly in their addresses.

The amount for which the Governor-in-chief now stands accountable for advances made upon the addresses of the two Houses, during the last session, will appear from the following copy of a statement in figures, furnished by the inspector-general of accounts.

Mem.—Issues made during the Year ended 10th October 1833, by accountable Warrants, viz.									
							£.	s.	d.
On Addresses of the Legislative Council	-	-	-	-	-	-	3,356	10	5
On Addresses of the House of Assembly	-	-	-	-	-	-	6,500	-	-
Total Currency							£. 9,856	10	5
Deduct amount of fund created by the Act 33 Geo. 3, c. 8,									
during the above period	-	-	-	-	-	-	£. 3,313	11	9
Less, Payments to officers of the two Houses, on account of their Salaries							1,379	19	5
							1,933	12	4
Deficiency, currency							£. 7,922	18	1

For which deficiency the Governor-in-chief is now responsible, in consequence of the failure of the Supply Bill of last year.

For the information of the House of Assembly, in the event of their taking up the consideration of the subject of the present communication, a statement has been prepared, and is herewith transmitted, showing the amount year by year of the fund created by the Act 33 Geo.

33 Geo. 3, c. 8, from the year 1793 to the year 1832, and of the expenses of the two Houses; by which it appears that the expenses of the two Houses, during that period, amounted to 277,280*l.* 15*s.* 11½*d.*, and the net amount of revenue to 66,019*l.* 4*s.* 3*d.*, being an excess of expenditure over the revenue of 211,261*l.* 11*s.* 8*d.* currency.

After having maturely weighed and considered the circumstances above stated, the Governor-in-chief now informs the House of Assembly, that until he shall have been relieved by an Act of the Legislature from the responsibility which still attaches to him on account of the advances made during the last session upon the addresses of the Legislative Council and House of Assembly, he must decline taking into his consideration the expediency of incurring further responsibility on the same account.

The Governor-in-chief desires the House of Assembly to be assured that he will very sensibly regret any inconvenience to the service of the House which may result from the course which he has found it necessary to adopt upon the present occasion. It is a course which the Governor-in-chief is firmly persuaded will be found in perfect accordance with the spirit of the constitution; and it is, moreover, one from which, under existing circumstances, no consideration of expediency can justify him in departing.

Castle of St. Lewis, Quebec, 18 January 1834.

No. 4.*

REPORT of the Committee to whom was referred His Excellency's Message in Answer to an Address of the Assembly for an advance of 7,000*l.* towards defraying their Contingent Expenses.

THE special Committee, to whom was referred the message of his Excellency the Governor-in-chief, in answer to the address of the House, praying his Excellency to issue his warrant for 7,000*l.* currency, on account of the contingent expenses of the House, with the statement accompanying the same; and also the message of his Excellency of the 15th January instant, relating to the contingent bill of the late solicitor-general, with power to report from time to time, have the honour to report in part:

That although from the time of the passing of the Constitutional Act, the governors or administrators of the Government have always favourably received the addresses of the Legislative Council or of the House of Assembly for advances of money to defray the contingent expenses of the two Houses, over and above the sum appropriated by the revenue of the Act of the 33 Geo. 3, cap. 8, cases have occurred where the head of the executive has not thought proper to comply with the addresses of this House, as appears by the extracts from the Journals of this House annexed to this Report.

Under the administration of Sir Robert Shore Milnes, Bart., in the year 1805, addresses were presented by the House to the Lieutenant-governor for the time being, praying that he would be pleased to issue his warrant in favour of the clerk of this House, for the purpose of paying (among other expenses) for 200 copies of an index to the French edition of the *Lex Parliamentaria*, which had been ordered to be printed by the House; and also praying that he would be pleased to take into consideration the services rendered by Pierre Edouard Desbarats, Esq., French translator of the House, and to grant him an additional salary, to commence from the 1st November 1804, assuring his Excellency that if the funds appropriated by law were not sufficient, the House would make good the same.

To this address the Lieutenant-governor answered on the 25th March 1805, that it was not in his power to issue a warrant to pay for the printing of the Index of the *Lex Parliamentaria*, as it was an extraordinary service for which the Legislature had not provided, and that with respect to the prayer that an increase of salary might be granted to the French translator, he must regret that when those rules which tended to promote a good understanding between the executive and the other branches of the Legislature were forgotten, the Governor must feel averse to the introduction of a precedent which might lead to consequences so injurious.

In the year 1806, an address of the House was presented to his Honour the President (Mr. Dunn), praying he would be pleased to advance to the speaker the sum necessary to defray the expenses of translating the four volumes of precedents of proceedings in the House of Commons, by John Hatsell, in conformity with the resolution of the House, of the 18th March 1805, and that the House would reimburse the same.

On the 3d of April following, his Honour the President answered, that he would refer the House to the answer sent down the year before, by the Lieutenant-governor for the time being, to the address of the House of Assembly, and that on examining the same, the House must be convinced, that in the particular situation in which he was placed as administrator of the Government during the temporary absence of the Governor and Lieutenant-governor, he would not deviate from the precedents aforesaid, by advancing the said monies to defray expenses for which the Legislature had not provided.

In the year 1823 two addresses were presented to his Excellency the Governor-in-chief (Lord Dalhousie), praying that he would be pleased to issue his warrant in favour of the clerk of this House for the sum of 3,314*l.* 16*s.* 10*d.*, to pay the arrears due on the contingent expenses of this House for the years 1820, 1821, and up to the 1st of October 1822, and also for the sum of 3,540*l.* for the expenses then incurred, or to be incurred from the 1st November 1822 to the 31st October 1823, for the service of this House, and that

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the said sums might be charged against the fund already appropriated by law, assuring his Excellency that if the said funds were not sufficient the House would make good the sums so advanced.

To these addresses the Governor answered, that he would advance the sum of 3,314*l.* 16*s.* 10*d.* first above-mentioned, because it was required for services performed; but that with regard to the sum of 3,540*l.* for the expenses of the then current year, he must be guided by the appropriation that should be made by the Legislature.

It does not appear that any proceedings, which can be considered as precedents, were adopted by the House with reference to the aforesaid refusals, except that it appears that in the year 1805 the House resolved itself into a Committee of the whole, to take the answer of the administrator to their address into consideration, and that the proceedings of the said Committee were interrupted by the prorogation of the Parliament.

These three are the only instances in which the head of the executive has not thought proper to comply with the addresses of this House. During every other session the addresses of the House were favourably received; and on referring to the proceedings of the first session, it will be seen that a sum of money was then advanced, even before an Act had been passed, to make provision for defraying the expenses of the Legislature.

Your Committee leave it to the House to decide how far the aforesaid precedents do or do not apply to the case in question.

It appears to your Committee that your honourable House has only the choice of two alternatives; the one is, to suspend the sittings of the House, by informing the executive that it is impossible for your honourable House to proceed with becoming dignity and effect on the business before it; and the other, to comply with the wish expressed in the message which forms the subject of this Report, by immediately passing an Act to relieve his Excellency the Governor-in-chief from his responsibility for the advances made by him during the last session, on the addresses of the Legislative Council and of the House of Assembly.

If the former alternative were adopted, the country would be deprived of the numerous and important advantages which it must derive from the continuance of the session; and the discussion and decision of many measures of the highest importance now before your honourable House would be deferred to a less favourable season. These considerations, weighty as they are, ought doubtless to be disregarded, if in adopting the latter alternative the House were to sacrifice any one of its rights or privileges; but in so doing it will not sacrifice any one constitutional principle.

Your Committee conclude by reporting the following Resolution, which they have adopted:

Resolved, that a Bill of Appropriation be passed, to cover and make good the sums of money advanced by his Excellency the Governor-in-chief, on the addresses of the Legislative Council and of the House of Assembly (over and above the produce of the 33*d* Geo. 3, c. 8), for defraying the contingent expenses of the Legislature for the year ending on the 31st October last.

The whole, nevertheless, humbly submitted.

27 January 1834.

(signed) *Hector S. Huot*, Chairman.

Enclosure 5, in No. 1.

RESOLUTIONS of the HOUSE of ASSEMBLY of *Lower Canada*, dated
Quebec, Friday, 21 February 1834.

1. Resolved, THAT His Majesty's loyal subjects, the people of this province of Lower Canada, have shown the strongest attachment to the British Empire, of which they are a portion; that they have repeatedly defended it with courage in time of war; that at the period which preceded the Independence of the late British Colonies on this continent, they resisted the appeal made to them by those colonies to join their confederation.

2. Resolved, That the people of this province have at all times manifested their confidence in His Majesty's Government, even under circumstances of the greatest difficulty, and when the government of the province has been administered by men who trampled under foot the rights and feelings dearest to British subjects; and that these sentiments of the people of this province remain unchanged.

3. Resolved, That the people of this province have always shown themselves ready to welcome and to receive as brethren, those of their fellow-subjects who, having quitted the United Kingdom or its dependencies, have chosen this province as their home, and have earnestly endeavoured (as far as on them depended) to afford every facility to their participating in the political advantages, and in the means of rendering their industry available, which the people of this province enjoy; and to remove for them the difficulties arising from the vicious system adopted by those who have administered the government of the province, with regard to those portions of the country in which the new-comers have generally chosen to settle.

4. Resolved, That this House, as representing the people of this province, has shown an earnest zeal to advance the general prosperity of the country, by securing the peace and content of all classes of its inhabitants, without any distinction of origin or creed, and upon the solid and durable basis of unity of interest, and equal confidence in the protection of the mother country.

5. Resolved,

5. Resolved, That this House has seized every occasion to adopt, and firmly to establish by law in this province, not only the Constitutional and Parliamentary law of England, which is necessary to carry the Government into operation, but also all such parts of the public law of the United Kingdom as have appeared to this House adapted to promote the welfare and safety of the people, and to be conformable to their wishes and their wants; and that this House has, in like manner, wisely endeavoured so to regulate its proceedings as to render them, as closely as the circumstances of this colony permit, analogous to the practice of the House of Commons of the United Kingdom.

6. Resolved, That in the year 1827, the great majority of the people of this province complained, in petitions signed by 87,000 persons, of serious and numerous abuses which then prevailed, many of which had then existed for a great number of years, and of which the greater part still exist without correction or mitigation.

7. Resolved, That the complaints aforesaid, and the grievances which gave rise to them, being submitted to the consideration of the Parliament of the United Kingdom, occasioned the appointment of a Committee of the House of Commons, of which the Honourable Edward Geoffrey Stanley, now His Majesty's Principal Secretary of State for the Colonial Department, and several others who are now Members of His Majesty's Government, formed part; and that after a careful investigation and due deliberation, the said Committee, on the 18th July 1828, came to the following very just conclusions:

1stly. "That the embarrassments and discontents that had long prevailed in the Canadas, had arisen from serious defects in the system of laws, and the constitutions established in those colonies.

2dly. "That these embarrassments were in a great measure to be attributed to the manner in which the existing system had been administered.

3dly. "That they had a complete conviction that neither the suggestions which they had made, nor any other improvements in the laws and constitutions of the Canadas, will be attended with the desired effect, unless an impartial, conciliating and constitutional system of government were observed in these loyal and important colonies."

8. Resolved, That since the period aforesaid, the constitution of this province, with its serious defects, has continued to be administered in a manner calculated to multiply the embarrassments and discontents which have long prevailed; and that the recommendations of the Committee of the House of Commons have not been followed by effective measures of a nature to produce the desired effect.

9. Resolved, That the most serious defect in the Constitutional Act, its radical fault, the most active principle of evil and discontent in the province; the most powerful and most frequent cause of abuses of power; of the infractions of the laws; of the waste of the public revenue and property, accompanied by impunity to the governing party, and the oppression and consequent resentment of the governed, is that injudicious enactment, the fatal results of which were foretold by the Honourable Charles James Fox at the time of its adoption, which invests the Crown with that exorbitant power (incompatible with any government duly balanced, and founded on law and justice, and not on force and coercion) of selecting and composing without any rule or limitation, or any predetermined qualification, an entire branch of the legislature, supposed from the nature of its attributions to be independent, but inevitably the servile tool of the authority which creates, composes and decomposes it, and can on any day modify it to suit the interests or the passions of the moment.

10. Resolved, That with the possession of a power so unlimited, the abuse of it is inseparably connected; and that it has always been so exercised in the selection of the Members of the Legislative Council of this province, as to favour the spirit of monopoly and despotism in the executive, judicial and administrative departments of government, and never in favour of the public interest.

11. Resolved, That the effectual remedy for this evil was judiciously foreseen and pointed out by the Committee of the House of Commons, who asked John Neilson, esquire, (one of the agents who had carried to England the Petition of the 87,000 inhabitants of Lower Canada) whether he had turned in his mind any plan by which he conceived the Legislative Council might be better composed in Lower Canada; whether he thought it possible that the said body could command the confidence and respect of the people, or go in harmony with the House of Assembly, unless the principle of election were introduced into its composition in some manner or other; and also, whether he thought that the colony could have any security that the Legislative Council would be properly and independently composed, unless the principle of election were introduced into it in some manner or other; and received from the said John Neilson answers, in which (among other reflections) he said in substance, that there were two modes in which the composition of the Legislative Council might be bettered; the one by appointing men who were independent of the executive, (but that to judge from experience there would be no security that this would be done,) and that if this mode were found impracticable, the other would be to render the Legislative Council elective.

12. Resolved, That judging from experience, this House likewise believes that there would be no security in the first mentioned mode, the course of events having but too amply proved what was then foreseen; and that this House approves all the inferences drawn by the said John Neilson from experience and facts; but that with regard to his suggestion that a class of electors of a higher qualification should be established, or a qualification in property fixed for those persons who might sit in the Council, this House have,

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in their Address to His Most Gracious Majesty, dated the 20th March 1833, declared in what manner this principle could, in their opinion, be rendered tolerable in Canada, by restraining it within certain bounds, which should in no case be passed.

13. Resolved, That even in defining bounds of this nature, and requiring the possession of real property as a condition of eligibility to a Legislative Council, chosen by the people, which most wisely and happily has not been made a condition of eligibility to the House of Assembly, this House seems rather to have sought to avoid shocking received opinions in Europe, where custom and the law have given so many artificial privileges and advantages to birth and rank and fortune, than to consult the opinions generally received in America, where the influence of birth is nothing, and where, notwithstanding the importance which fortune must always naturally confer, the artificial introduction of great political privileges in favour of the possessors of large property, could not long resist the preference given at free elections to virtue, talents and information, which fortune does not exclude but can never purchase, and which may be the portion of honest, contented and devoted men, whom the people ought to have the power of calling and consecrating to the public service, in preference to richer men, of whom they may think less highly.

14. Resolved, That this House is nowise disposed to admit the excellence of the present Constitution of Canada, although His Majesty's Secretary of State for the Colonies has unseasonably and erroneously asserted, that it has conferred on the two Canadas the institutions of Great Britain; nor to reject the principle of extending the system of frequent elections much further than it is at present carried; and that this system ought especially to be extended to the Legislative Council, although it may be considered by the Colonial Secretary incompatible with the British Government, which he calls a monarchical government, or too analogous to the institutions which the several States, composing the industrious, moral and prosperous confederation of the United States of America, have adopted for themselves.

15. Resolved, That in a despatch, of which the date is unknown, and of which a part only was communicated to this House by the Governor-in-chief on the 14th January 1834, His Majesty's Secretary of State for the Colonial Department, (this House having no certain knowledge whether the said despatch is from the present Colonial Secretary or from his predecessor) says, that an examination of the composition of the Legislative Council at that period (namely, at the time when its composition was so justly censured by a Committee of the House of Commons) and at the present, will sufficiently show in what spirit His Majesty's Government has endeavoured to carry the wishes of Parliament into effect.

16. Resolved, That this House receives with gratitude this assurance of the just and benevolent intentions, with which, in the performance of their duty, His Majesty's Ministers have endeavoured to give effect to the wishes of Parliament.

17. Resolved, That unhappily it was left to the principal Agent of His Majesty's Government in this Province to carry the wishes of the Imperial Parliament into effect; but that he has destroyed the hope which His Majesty's faithful subjects had conceived of seeing the Legislative Council reformed and ameliorated, and has confirmed them in the opinion that the only possible mode of giving to that body the weight and respectability which it ought to possess, is to introduce into it the principle of election.

18. Resolved, That the Legislative Council, strengthened by a majority inimical to the rights of this House and of the people whom it represents, has received new and more powerful means than it before possessed of perpetuating and of rendering more offensive and more hurtful to the country the system of abuses of which the people of this province have up to this day ineffectually complained, and which up to this day, Parliament and His Majesty's Government in England have ineffectually sought to correct.

19. Resolved, That since its pretended reform the Legislative Council has, in a manner more calculated to alarm the inhabitants of this province, and more particularly in its address to His Majesty of the 1st of April 1833, renewed its pretension of being specially appointed to protect one class of His Majesty's subjects in this province, as supposing them to have interests which could not be sufficiently represented in the Assembly, seven-eighths of the Members of which are by the said Council most erroneously stated to be of French origin and speak the French language: that this pretension is a violation of the constitution, and is of a nature to excite and perpetuate among the several classes of the inhabitants of this province, mutual distrust and national distinctions and animosities, and to give one portion of the people an unjust and factious superiority over the other, and the hope of domination and undue preference.

20. Resolved, That by such claim the Legislative Council after a reform which was held up as one adapted to unite it more closely with the interests of the colony in conformity with the wishes of Parliament, calls down, as one of its first acts, the prejudices and severity of His Majesty's Government upon the people of this province, and upon the representative branch of the Legislature thereof; and that by this conduct the Legislative Council has destroyed amongst the people all hope which was left them of seeing the said Council, so long as it shall remain constituted as it now is, act in harmony with the House of Assembly.

21. Resolved, That the Legislative Council of this province has never been anything else but an impotent screen between the Governor and the people, which by enabling the one to maintain a conflict with the other, has served to perpetuate a system of discord and contention; that it has unceasingly acted with avowed hostility to the sentiments of the people as constitutionally expressed by the House of Assembly; that it is not right under
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the name of a Legislative Council to impose an aristocracy on a country which contains no natural materials for the composition of such a body; that the Parliament of the United Kingdom in granting to His Majesty's Canadian subjects the power of revising the Constitution under which they hold their dearest rights, would adopt a liberal policy, free from all considerations of former interests and of existing prejudices; and that by this measure, equally consistent with a wise and sound policy, and with the most liberal and extended views, the Parliament of the United Kingdom would enter into a noble rivalry with the United States of America, would prevent His Majesty's subjects from seeing anything to envy there; and would preserve a friendly intercourse between Great Britain and this province, as her colony, so long as the tie between us shall continue, and as her ally, whenever the course of events may change our relative position.

22. Resolved, That this House so much the more confidently emits the opinions expressed in the preceding resolution, because, if any faith is to be placed in the published reports, they were at no distant period emitted with other remarks in the same spirit, in the Commons House of the United Kingdom, by the Right Honourable Edward Geoffrey Stanley, now His Majesty's Principal Secretary of State for the Colonial Department, and by several other enlightened and distinguished Members, some of whom are among the number of His Majesty's present Ministers; and because the conduct of the Legislative Council since its pretended reform, demonstrates that the said opinions are in nowise rendered less applicable or less correct by its present composition.

23. Resolved, That the Legislative Council has at the present time less community of interest with the province than at any former period; that its present composition, instead of being calculated to change the character of the body, to put an end to complaints, and to bring about that co-operation of the two Houses of the Legislature which is so necessary to the welfare of the country, is such as to destroy all hope that the said Council will adopt the opinions and sentiments of the people of this province and of this House with regard to the inalienable right of the latter to the full and entire control of the whole revenue raised in the province, with regard to the necessity under which this House has found itself (for the purpose of effecting the reformation which it has so long and so vainly demanded of existing abuses) to provide for the expenses of the Civil Government by annual appropriations only, as well as with regard to a variety of other questions of public interest, concerning which the Executive Government, and the Legislative Council which it has selected and created, differ diametrically from the people of this province, and from this House.

24. Resolved, That such of the recently appointed councillors as were taken from the majority of the Assembly, and had entertained the hope that a sufficient number of independent men, holding opinions in unison with those of the majority of the people and of their Representatives, would be associated with them, must now feel that they are overwhelmed by a majority hostile to the country, and composed of men who have irretrievably lost the public confidence, by showing themselves the blind and passionate partisans of all abuses of power, by encouraging all the acts of violence committed under the administration of Lord Dalhousie, by having on all occasions outraged the representatives of the people of the country; of men, unknown in the country until within a few years, without landed property or having very little, most of whom have never been returned to the Assembly (some of them having even been refused by the people), and who have never given any proofs of their fitness for performing the functions of Legislators, but merely of their hatred to the country; and who, by reason of their community of sentiment with him, have found themselves, by the partiality of the Governor-in-chief, suddenly raised to a station in which they have the power of exerting during life an influence over the legislation and over the fate of this province, the laws and institutions of which have ever been the objects of their dislike.

25. Resolved, That in manifest violation of the Constitution, there are among the persons last mentioned several who were born citizens of the United States, or are natives of other foreign countries, and who at the time of their appointment had not been naturalized by Acts of the British Parliament; that the residence of one of these persons (Horatio Gates) in this country during the last war with the United States was only tolerated; he refused to take up arms for the defence of the country in which he remained merely for the sake of lucre; and after these previous facts, took his seat in the Legislative Council on the 16th March 1833; and 15 days afterwards, to wit, on the 1st April, voted for the address before mentioned, censuring those who during the last war were under arms on the frontiers to repulse the attacks of the American armies and of the fellow-citizens of the said Horatio Gates: that another (James Baxter) was resident during the said late war within the United States, and was bound by the laws of the country of his birth, under certain circumstances, forcibly to invade this province, to pursue, destroy and capture, if possible, His Majesty's armies, and such of his Canadian subjects as were in arms upon the frontiers to repulse the attacks of the American armies, and of the said James Baxter, who (being at the same time but slightly qualified as far as property is concerned) became, by the nomination of the Governor-in-chief, a Legislator for life in Lower Canada, on the 22d of March 1833; and eight days afterwards, on the 1st of April aforesaid, voted that very address which contained the calumnious and insulting accusation which called for the expression of His Majesty's just regret, "that any word had been introduced which should have the appearance of ascribing to a class of his subjects of one origin, views at variance with the allegiance which they owe to His Majesty."

26. Resolved, That it was in the power of the present Governor-in-chief, more than in that

that of any of his predecessors (by reason of the latitude allowed him as to the number and the selection of the persons whom he might nominate to be Members of the Legislative Council) to allay, for a time at least, the intestine divisions which rend this colony, and to advance some steps towards the accomplishment of the wishes of Parliament, by inducing a community of interest between the said Council and the people, and by giving the former a more independent character by judicious nominations.

27. Resolved, That although 16 persons have been nominated in less than two years by the present Governor to be Members of the said Council (a number greater than that afforded by any period of 10 years under any other administration), and notwithstanding the wishes of Parliament, and the instructions given by His Majesty's Government for the removal of the grievances of which the people had complained, the same malign influence which has been exerted to perpetuate in the country a system of irresponsibility in favour of public functionaries, has prevailed to such an extent as to render the majority of the Legislative Council more inimical to the country than at any former period; and that this fact confirms with irresistible force the justice of the censure passed by the Committee of the House of Commons on the constitution of the Legislative Council as it had theretofore existed, and the correctness of the opinion of those Members of the said Committee who thought that the said body could never command the respect of the people, nor be in harmony with the House of Assembly, unless the principle of election was introduced into it.

28. Resolved, that even if the present Governor-in-chief had, by making a more judicious selection, succeeded in quieting the alarm and allaying for a time the profound discontent which then prevailed, that form of government would not be less essentially vicious which makes the happiness or misery of a country depend on an Executive over which the people of that country have no influence, and which has no permanent interest in the country, or in common with its inhabitants; and that the extension of the elective principle is the only measure which appears to this House to afford any prospect of equal and sufficient protection in future to all the inhabitants of the province, without distinction.

29. Resolved, that the accusations preferred against the House of Assembly by the Legislative Council, as recomposed by the present Governor-in-chief, would be criminal and seditious, if their very nature did not render them harmless, since they go to assert, that if in its liberality and justice the Parliament of the United Kingdom had granted the earnest prayer of this House in behalf of the province (and which this House at this solemn moment, after weighing the Despatches of the Secretary of State for the Colonial Department, and on the eve of a general election, now repeats and renews), that the constitution of the Legislative Council may be altered by rendering it elective, the result of this act of justice and benevolence would have been to inundate the country with blood.

30. Resolved, that by the said Address to His Majesty, dated the 1st of April last, the Legislative Council charges this House with having calumniously accused the King's Representative of partiality and injustice in the exercise of the powers of his office, and with deliberately calumniating His Majesty's officers, both civil and military, as a faction induced by interest alone to contend for the support of a government inimical to the rights, and opposed to the wishes of the people: with reference to which this House declares, that the accusations preferred by it have never been calumnious, but are true and well founded, and that a faithful picture of the Executive Government of this province in all its parts is drawn by the Legislative Council in this passage of its address.

31. Resolved, that if, as this House is fond of believing, His Majesty's Government in England does not wish systematically to nourish civil discord in this colony, the contradictory allegations thus made by the two Houses, make it imperative on it to become better acquainted with the state of the province than it now appears to be, if we judge from its long tolerance of the abuses which its agents commit with impunity; that it ought not to trust to the self praise of those who have the management of the affairs of a colony, passing, according to them, into a state of anarchy; that it ought to be convinced, that if its protection of public functionaries, accused by a competent authority (that is to say by this House, in the name of the people), could for a time by force and intimidation aggravate, in favour of those functionaries and against the rights and interests of the people, the system of insult and oppression which they impatiently bear, the result must be to weaken our confidence in, and our attachment to His Majesty's Government, and to give deep root to the discontent and insurmountable disgust which have been excited by administrations deplorably vicious, and which are now excited by the majority of the public functionaries of the colony, combined as a faction, and induced by interest alone to contend for the support of a corrupt Government, inimical to the rights and opposed to the wishes of the people.

32. Resolved, that in addition to its wicked and calumnious address of the 1st April 1833, the Legislative Council, as recomposed by the present Governor-in-chief, has proved how little community of interest it has with the colony, by the fact, that out of sixty-four Bills which were sent up to it, twenty-eight were rejected by it, or amended in a manner contrary to their spirit and essence; that the same unanimity which had attended the passing of the greater part of these Bills in the Assembly, accompanied their rejection by the Legislative Council, and that an opposition so violent, shows clearly that the provincial executive and the council of its choice, in league together against the representative body, do not, or will not, consider it as the faithful interpreter and the equitable judge of the wants and wishes of the people, nor as fit to propose laws conformable to the public will;

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and that under such circumstances, it would have been the duty of the head of the Executive to appeal to the people, by dissolving the Provincial Parliament, had there been any analogy between the institutions of Great Britain and those of this province.

33. Resolved, that the Legislative Council as recomposed by the present Governor-in-chief, must be considered as embodying the sentiments of the colonial executive Government, and that from the moment it was so recomposed, the two authorities seem to have bound and leagued themselves together for the purpose of proclaiming principles subversive of all harmony in the province, and of governing and domineering in a spirit of blind and invidious national antipathy.

34. Resolved, that the address voted unanimously on the 1st April 1833, by the Legislative Council, as recomposed by the present Governor-in-chief, was concurred in by the Honourable the Chief Justice of the province, Jonathan Sewell, to whom the Right Honourable Lord Viscount Goderich, in his Despatch, communicated to the House on the 25th November 1831, recommended "a cautious abstinence from all proceedings by which he might be involved in any contention of a party nature;" by John Hale, the present Receiver-General, who, in violation of the laws, and of the trust reposed in him, and upon illegal warrants issued by the Governor, has paid away large sums of the public money, without any regard to the obedience which is always due to the law; by Sir John Caldwell, baronet, the late Receiver-General, a speculator, who has been condemned to pay nearly 100,000*l.*, to reimburse a like sum levied upon the people of this province, and granted by law to His Majesty, His heirs and successors, for the public use of the province, and for the support of His Majesty's Government therein, and who has diverted the greater part of the said sum from the purposes to which it was destined, and appropriated it to his private use; by Mathew Bell, a grantee of the Crown, who has been unduly and illegally favoured by the Executive, in the lease of the forges of St. Maurice, in the grant of large tracts of waste lands, and in the lease of large tracts of land formerly belonging to the order of Jesuits; by John Stewart, an Executive Councillor, commissioner of the Jesuits' estates, and the incumbent of other lucrative offices: all of whom are placed by their pecuniary and personal interests under the influence of the Executive; and by the Honourable George Moffatt, Peter M'Gill, John Molson, Horatio Gates, Robert Jones, and James Baxter, all of whom, as well as those before mentioned, were, with two exceptions, born out of the country, and all of whom, except one, who for a number of years was a member of the Assembly, and has extensive landed property, are but slightly qualified in that respect, and had not been sufficiently engaged in public life to afford a presumption that they were fit to perform the functions of legislators for life; and by Antoine Gaspard Couillard, the only native of the country, of French origin, who stooped to concur in the address, and who also had never been engaged in public life, and is but very moderately qualified with respect to real property, and who, after his appointment to the council, and before the said 1st of April, rendered himself dependent on the Executive by soliciting a paltry and subordinate place of profit.

35. Resolved, that the said address, voted by seven councillors, under the influence of the present head of the Executive, and by five others of his appointment, (one only of the six others who voted it, the Hon. George Moffatt, having been appointed under his predecessor,) is the work of the present administration of this province, the expression of its sentiments, the key to its acts, and the proclamation of the iniquitous and arbitrary principles, which are to form its rule of conduct for the future.

36. Resolved, that the said address is not less injurious to the small number of Members of the Legislative Council who are independent, and attached to the interests and honour of the country, who have been Members of the Assembly, and are known as having partaken its opinions and seconded its efforts, to obtain for it the entire control and disposal of the public revenue; as having approved the wholesome, constitutional, and not, as styled by the Council, the daring step taken by this House of praying by address to His Majesty that the Legislative Council might be rendered elective; as condemning the scheme for the creation of an extensive monopoly of lands in favour of speculators residing out of the country; as believing that they could not have been appointed to the Council with a view to increase the constitutional weight and efficacy of that body, in which they find themselves opposed to a majority hostile to their principles and their country; as believing that the interests and wishes of the people are faithfully represented by their representatives, and that the connexion between this country and the parent state, will be durable in proportion to the direct influence exercised by the people in the enactment of laws adapted to ensure their welfare; and as being of opinion, that His Majesty's subjects recently settled in this country will share in all the advantages of the free institutions and of the improvements which would be rapidly developed, if, by means of the extension of the elective system, the administration were prevented from creating a monopoly of power and profit in favour of the minority who are of one origin, and to the prejudice of the majority who are of another, and from buying, corrupting and exciting a portion of this minority in such a manner as to give to all discussions of local interest the alarming character of strife and national antipathy; and that the independent Members of the Legislative Council, indubitably convinced of the tendency of that body, and undeceived as to the motives which led to their appointment as Members of it, now refrain from attending the sittings of the said Council, in which they despair of being able to effect anything for the good of the country.

37. Resolved, that the political world in Europe is at this moment agitated by two great parties, who in different countries appear under the several names of serviles, royalists, 392. tories

tories and conservatives on the one side, and of liberals, constitutionals, republicans, whigs, reformers, radicals and similar appellations on the other; that the former party is, on this continent, without any weight or influence except what it derives from its European supporters, and from a trifling number of persons who become their dependents for the sake of personal gain, and from others, who from age or habit cling to opinions which are not partaken by any numerous class; while the second party overspreads all America. And that the Colonial Secretary is mistaken if he believes that the exclusion of a few salaried officers from the Legislative Council could suffice to make it harmonise with the wants, wishes and opinions of the people, as long as the Colonial Governors retain the power of preserving in it a majority of members rendered servile by their antipathy to every liberal idea.

38. Resolved, That this vicious system, which has been carefully maintained, has given to the Legislative Council a greater character of animosity to the country than it had at any former period, and is as contrary to the wishes of Parliament, as *that* which, in order to resist the wishes of the people of England for the Parliamentary Reform, should have called into the House of Lords a number of men notorious for their factious and violent opposition to that great measure.

39. Resolved, That the Legislative Council, representing merely the personal opinions of certain members of a body so strongly accused at a recent period by the people of this Province, and so justly censured by the Report of the Committee of the House of Commons, is not an authority competent to demand alterations in the constitutional Act of the 31st Geo. 3, c. 31, and that the said Act ought not to be and cannot be altered, except at such time and in such manner as may be wished by the people of this Province, whose sentiments this House is alone competent to represent; that no interference on the part of the British Legislature with the laws and constitution of this province, which should not be founded on the wishes of the people, freely expressed either through this House or in any other constitutional manner, could in anywise tend to settle any of the difficulties which exist in this province, but, on the contrary, would only aggravate them and prolong their continuance.

40. Resolved, That this House expects from the justice of the Parliament of the United Kingdom, that no measure of the nature aforesaid, founded on the false representations of the Legislative Council and of the members and tools of the Colonial Administration, all interested in perpetuating existing abuses, will be adopted to the prejudice of the rights, liberties and welfare of the people of this province; but that on the contrary, the Imperial Legislature will comply with the wishes of the people and of this House, and will provide the most effectual remedy for all evils present and future, either by rendering the Legislative Council elective in the manner mentioned in the Address of this House to His most gracious Majesty, of the 20th March 1833, or by enabling the people to express still more directly their opinions as to the measures to be adopted in that behalf, and with regard to such other modifications of the constitution as the wants of the people and the interests of His Majesty's Government in the province may require; and that this House perseveres in the said Address.

41. Resolved, That His Majesty's Secretary of State for the Colonial Department has acknowledged in his despatches, that it has frequently been admitted that the people of Canada ought to see nothing in the institutions of the neighbouring States which they could regard with envy, and that he has yet to learn that any such feeling now exists among His Majesty's subjects in Canada; to which this House answers, that the neighbouring States have a form of government very fit to prevent abuses of power, and very effective in repressing them; that the reverse of this order of things has always prevailed in Canada under the present form of government; that there exists in the neighbouring States a stronger and more general attachment to the national institutions than in any other country, and that there exists also in those States a guarantee for the progressive advance of their political institutions towards perfection, in the revision of the same at short and determinate intervals, by conventions of the people, in order that they may without any shock or violence be adapted to the actual state of things.

42. Resolved, That it was in consequence of a correct idea of the state of the country, and of society generally in America, that the Committee of the House of Commons asked, whether there was not in the two Canadas a growing inclination to see the institutions become more and more popular, and in that respect more and more like those of the United States; and that John Neilson, esquire, one of the agents sent from this country, answered, that the fondness for popular institutions had made great progress in the two Canadas; and that the same agent was asked, whether he did not think that it would be wise that the object of every change made in the institutions of the province should be to comply more and more with the wishes of the people, and to render the said institutions extremely popular: to which question this House for and in the name of the people whom it represents, answers, solemnly and deliberately, "Yes, it would be wise; it would be excellent."

43. Resolved, That the constitution and form of government which would best suit this colony are not to be sought solely in the analogies offered by the institutions of Great Britain, where the state of society is altogether different from our own; and that it would be wise to turn to profit by the information to be gained by observing the effects produced by the different and infinitely varied constitutions which the Kings and Parliament of England have granted to the several plantations and colonies in America, and by studying the

the way in which virtuous and enlightened men have modified such colonial institutions when it could be done with the assent of the parties interested.

44. Resolved, That the unanimous consent with which all the American States have adopted and extended the elective system, shows that it is adapted to the wishes, manners and social state of the inhabitants of this continent; that this system prevails equally among those of British and those of Spanish origin, although the latter, during the continuance of their colonial state, had been under the calamitous yoke of ignorance and absolutism; and that we do not hesitate to ask from a Prince of the House of Brunswick, and a reformed Parliament, all the freedom and political powers which the Princes of the House of Stuart and their Parliaments granted to the most favoured of the plantations formed at a period when such grants must have been less favourably regarded than they would now be.

45. Resolved, That it was not the best and most free systems of colonial government which tended most to hasten the independence of the old English colonies; since the Province of New York, in which the institutions were most monarchical in the sense which that word appears to bear in the despatch of the Colonial Secretary, was the first to refuse obedience to an Act of the Parliament of Great Britain; and that the colonies of Connecticut and Rhode Island, which though closely and affectionately connected with the mother country for a long course of years, enjoyed constitutions purely democratic, were the last to enter into a confederation rendered necessary by the conduct of bad servants of the Crown, who called in the supreme authority of the Parliament, and the British Constitution to aid them to govern arbitrarily, listening rather to the governors and their advisers than to the people and their representatives, and shielding with their protection those who consumed the taxes rather than those who paid them.

46. Resolved, That with a view to the introduction of whatever the institutions of the neighbouring States offered that was good and applicable to the state of the province, this House had among other measures passed, during many years, a Bill founded on the principle of proportioning arithmetically the number of Representatives to the population of each place represented; and that if by the pressure of circumstances and the urgent necessity which existed that the number of Representatives should be increased, it has been compelled to assent to amendments which violate that principle, by giving to several counties containing a population of little more than 4,000 souls, the same number of Representatives as to several others of which the population is five times as great, this disproportion is in the opinion of this House an act of injustice, for which it ought to seek a remedy: and that in new countries where the population increases rapidly, and tends to create new settlements, it is wise and equitable that by a frequent and periodical census, such increase, and the manner in which it is distributed, should be ascertained, principally for the purpose of settling the representation of the province on an equitable basis.

47. Resolved, That the fidelity of the people, and the protection of the government, are co-relative obligations, of which the one cannot long subsist without the other; that by reason of the defects which exist in the laws and constitution of this province, and of the manner in which those laws and that constitution have been administered, the people of this province are not sufficiently protected in their lives, their property and their honour; and that the long series of acts of injustice and oppression, of which they have to complain, have increased with alarming rapidity in violence and in number under the present administration.

48. Resolved, That in the midst of these disorders and sufferings, this House and the people whom it represents, had always cherished the hope and expressed their faith that His Majesty's Government in England did not knowingly and wilfully participate in the political immorality of its colonial agents and officers; and that it is with astonishment and grief that they have seen in the extract from the despatches of the Colonial Secretary, communicated to this House by the Governor-in-chief during the present session, that one at least of the members of His Majesty's Government entertains towards them feelings of prejudice and animosity, and inclines to favour plans of oppression and revenge, ill adapted to change a system of abuses, the continuance of which would altogether discourage the people, extinguish in them the legitimate hope of happiness which, as British subjects, they entertained, and would leave them only the hard alternative of submitting to an ignominious bondage, or of seeing those ties endangered which unite them to the mother country.

49. Resolved, That this House and the people whom it represents do not wish or intend to convey any threat; but that, relying as they do upon the principles of law and justice, they are and ought to be politically strong enough not to be exposed to receive insult from any man whomsoever, or bound to suffer it in silence; that the style of the said extracts from the despatches of the Colonial Secretary, as communicated to this House, is insulting and inconsiderate to such a degree that no legally constituted body, although its functions were infinitely subordinate to those of legislation, could or ought to tolerate them; that no similar example can be found even in the despatches of those of his predecessors in office least favourable to the rights of the colonies; that the tenor of the said despatches is incompatible with the rights and privileges of this House, which ought not to be called in question or defined by the Colonial Secretary, but which, as occasion may require, will be successively promulgated and enforced by this House.

50. Resolved, That with regard to the following expressions in one of the said Despatches, "should events unhappily force upon Parliament the exercise of its supreme authority to compose the internal dissension of the Colonies, it would be my object and my duty, as a servant of the Crown, to submit to Parliament such modifications of the

Charter of the Canadas as should tend, not to the introduction of institutions inconsistent with monarchical government, but to maintaining and strengthening the connexion with the mother country, by a close adherence to the spirit of the British constitution, and by preserving in their proper place and within their due limits the mutual rights and privileges of all classes of His Majesty's subjects;"—if they are to be understood as containing a threat to introduce into the constitution any other modifications than such as are asked for by the majority of the people of this province, whose sentiments cannot be legitimately expressed by any other authority than its representatives, this House would esteem itself wanting in candour to the people of England, if it hesitated to call their attention to the fact that in less than 20 years the population of the United States of America will be as great or greater than that of Great Britain, and that of British America will be as great or greater than that of the former English Colonies was when the latter deemed that the time was come to decide that the inappreciable advantage of governing themselves instead of being governed, ought to engage them to 'repudiate a system of Colonial Government which was, generally speaking, much better than that of British America now is.

51. Resolved, That the approbation expressed by the Colonial Secretary, in his said despatch, of the present composition of the Legislative Council, whose acts, since its pretended reform, have been marked by party spirit and by invidious national distinctions and preferences, is a subject of just alarm to His Majesty's Canadian subjects in general, and more particularly to the great majority of them, who have not yielded at any time to any other class of the inhabitants of this province in their attachment to His Majesty's Government, in their love of peace and order, in respect for the laws, and in their wish to effect that union among the whole people which is so much to be desired, to the end that all may enjoy freely and equally the rights and advantages of British subjects, and of the institutions which have been guaranteed to and are dear to the country; that the distinctions and preferences aforesaid have almost constantly been used and taken advantage of by the Colonial Administration of this Province, and the majority of the Legislative Councillors, Executive Councillors, Judges and other functionaries dependent upon it; and that nothing but the spirit of union among the several classes of the people, and their conviction that their interests are the same, could have prevented collisions incompatible with the prosperity and safety of the province.

52. Resolved, That since a circumstance, which did not depend upon the choice of the majority of the people, their French origin and their use of the French language, has been made by the colonial authorities a pretext for abuse, for exclusion, for political inferiority, for a separation of rights and interests; this House now appeals to the justice of His Majesty's Government and of Parliament, and to the honour of the people of England; that the majority of the inhabitants of this country are in nowise disposed to repudiate any one of the advantages they derive from their origin and from their descent from the French nation, which, with regard to the progress of which it has been the cause in civilization, in the sciences, in letters, and in the arts, has never been behind the British nation, and is now the worthy rival of the latter in the advancement of the cause of liberty and of the science of Government; from which this country derives the greater portion of its civil and ecclesiastical law, and of its scholastic and charitable institutions, and of the religion, language, habits, manners and customs of the great majority of its inhabitants.

53. Resolved, That our fellow-subjects, of British origin, in this province, came to settle themselves in a country, "the inhabitants whereof, professing the religion of the Church of Rome, enjoyed an established form of constitution and system of laws, by which their persons and their property had been protected, governed and ordered, during a long series of years, from the first establishment of the province of Canada;" that, prompted by these considerations, and guided by the rules of justice and of the law of nations, the British Parliament enacted that, "in all matters of controversy, relative to property and civil rights, resort should be had to the laws of Canada;" that when Parliament afterwards departed from the principle thus recognised, firstly, by the introduction of the English criminal law, and afterwards by that of the representative system, with all the constitutional and parliamentary law necessary to its perfect action, it did so in conformity to the sufficiently expressed wish of the Canadian people; and that every attempt on the part of public functionaries or of other persons (who on coming to settle in the province, made their condition their own voluntary act) against the existence of any portion of the laws and institutions peculiar to the country, and any preponderance given to such persons in the Legislative and Executive Councils, in the courts of law, or in other departments, are contrary to the engagements of the British Parliament, and to the rights guaranteed to His Majesty's Canadian subjects, on the faith of the national honour of England, and on that of capitulations and treaties.

54. Resolved, That any combination, whether effected by means of Acts of the British Parliament, obtained in contravention to its former engagements, or by means of the partial and corrupt administration of the present constitution and system of law, would be a violation of those rights, and would, as long as it should exist, be obeyed by the people from motives of fear and constraint, and not from choice and affection; that the conduct of the Colonial Administrations and of their agents and instruments in this colony, has for the most part been of a nature unjustly to create apprehensions as to the views of the people and government of the mother country, and to endanger the confidence and content of the inhabitants of this province, which can only be secured by equal laws, and by the observance of equal justice, as the rule of conduct in all the departments of the Government.

55. Resolved,

55. Resolved, That whether the number of that class of His Majesty's subjects in this province, who are of British origin, be that mentioned in the said address of the Legislative Council, or whether (as the truth is) it amounts to less than half that number, the wishes and interests of the great majority of them are common to them and to their fellow-subjects of French origin, and speaking the French language; that the one class love the country of their birth, the other that of their adoption; that the greater portion of the latter have acknowledged the generally beneficial tendency of the laws and institutions of the country, and have laboured, in concert with the former, to introduce into them gradually, and by the authority of the Provincial Parliament, the improvements of which they have, from time to time, appeared susceptible, and have resisted the confusion which it has been endeavoured to introduce into them in favour of schemes of monopoly and abuse, and that all without distinction wish anxiously for an impartial and protecting Government.

56. Resolved, That in addition to administrative and judicial abuses which have had an injurious effect upon the public welfare and confidence, attempts have been made, from time to time, to induce the Parliament of the United Kingdom, by deceiving its justice and abusing its benevolent intentions, to adopt measures calculated to bring about combinations of the nature above mentioned, and to pass Acts of internal legislation for this province, having the same tendency, and with regard to which the people of the country had not been consulted; that, unhappily, the attempts to obtain the passing of some of these measures were successful, especially that of the Act of the 6 Geo. 4, c. 59, commonly called the "Tenures Act," the repeal of which was unanimously demanded by all classes of the people, without distinction, through their representatives, a very short time after the number of the latter was increased; and that this House has not yet been able to obtain from His Majesty's representative in this province, or from any other source, any information as to the views of His Majesty's Government in England with regard to the repeal of the said Act.

57. Resolved, That the object of the said Act was, according to the benevolent intentions of Parliament, and as the title of the Act sets forth, the extinction of feudal and seigniorial rights and dues on lands held *en fief* and *à cens* in this province, with the intention of favouring the great body of the inhabitants of the country, and protecting them against the said dues, which were regarded as burdensome; but that the provisions of the said Act, far from having the effect aforesaid, afford facilities to seigniors to become, in opposition to the interests of their *censitaires*, the absolute proprietors of the extensive tracts of unconceded lands which, by the law of the country, they held only for the benefit of the inhabitants thereof, to whom they were bound to concede them in consideration of certain limited dues; that the said Act, if generally acted upon, would shut out the mass of the permanent inhabitants of the country from the vacant lands in the seigniories, while at the same time they have been constantly prevented from settling on the waste lands of the Crown on easy and liberal terms, and under a tenure adapted to the laws of the country, by the partial, secret and vicious manner in which the Crown Land department has been managed, and by the provisions of the Act aforesaid, with regard to the laws applicable to the lands in question; and that the application made by certain seigniors for a change of tenure, under the authority of the said Act, appear to prove the correctness of the view which this House has taken of its practical effect.

58. Resolved, That it was only in consequence of an erroneous supposition that feudal charges were inherent in the law of this country, as far as the possession and transmission of real property and the tenures recognised by that law were concerned; that it was enacted in the said Act that the lands with regard to which a change of tenure should be effected, should thereafter be held under the tenure of free and common soccage; that the seigniorial charges have been found burdensome in certain cases, chiefly by reason of the want of adequate means of obtaining the interference of the Colonial Government and of the courts of law, to enforce the ancient law of the country in that behalf, and that the Provincial Legislature was, moreover, fully competent to pass laws providing for the redemption of the said charges in a manner which should be in accordance with the interests of all parties, and for the introduction of the free tenures recognised by the laws of the country; that the House of Assembly has been repeatedly occupied, and now is occupied about this important subject; but that the said Tenures Act, insufficient of itself to effect equitably the purpose for which it was passed, is of a nature to embarrass and create obstacles to the effectual measures which the legislature of the country, with a full knowledge of the subject, might be disposed to adopt; and that the application thus made (to the exclusion of the Provincial Legislature) to the Parliament of the United Kingdom, which was far less competent to make equitable enactments on a subject so complicated in its nature, could only have been made with a view to unlawful speculations and the subversion of the laws of the country.

59. Resolved, That, independently of its many other serious imperfections, the said Act does not appear to have been founded on a sufficient knowledge of the laws which govern persons and property in this country, when it declares the laws of Great Britain to be applicable to certain incidents to real property therein enumerated; and that it has only served to augment the confusion and doubt which had prevailed in the courts of law, and in private transactions with regard to the law which applied to lands previously granted in free and common soccage.

60. Resolved, That the provision of the said Act which has excited the greatest alarm, and which is most at variance with the rights of the people of the country, and with those of the Provincial Parliament, is that which enacts that lands previously held *en fief* or *en censine* shall, after a change of tenure shall have been effected with regard to them, be held in free and common soccage, and thereby become subject to the laws of Great Britain,

under

under the several circumstances therein mentioned and enumerated; that besides being insufficient in itself, this provision is of a nature to bring into collision, in the old settlements, at multiplied points of contiguity, two opposite systems of laws, one of which is entirely unknown to this country, in which it is impossible to carry it into effect; that from the feeling manifested by the colonial authorities and their partisans towards the inhabitants of the country, the latter have just reason to fear that the enactment in question is only the prelude to the final subversion, by Acts of Parliament of Great Britain, fraudulently obtained in violation of its former engagements, of the system of laws by which the persons and property of the people of this province were so long happily governed.

61. Resolved, That the inhabitants of this country have just reason to fear that the claims made to the property of the seminary of St. Sulpice, at Montreal, are attributable to the desire of the colonial administration, and its agents and tools, to hasten this deplorable state of things; and that His Majesty's Government in England would, by re-assuring His faithful subjects on this point, dissipate the alarm felt by the clergy, and by the whole people without distinction, and merit their sincere gratitude.

62. Resolved, That it is the duty of this House to persist in asking for the absolute repeal of the said Tenures Act, and until such repeal shall be effected, to propose to the other branches of the Provincial Parliament such measures as may be adapted to weaken the pernicious effects of the said Act.

63. Resolved, That this House has learned with regret, from one of the said despatches of the Colonial Secretary, that His Majesty has been advised to interfere in a matter which concerns the privileges of this House; that in the case there alluded to, this House exercised a privilege solemnly established by the House of Commons, before the principle on which it rests became the law of the land; that this privilege is essential to the independence of this House, and to the freedom of its votes and proceedings; that the resolutions passed by this House, on the 15th of February 1831, are constitutional and well-founded, and are supported by the example of the Commons of Great Britain; that this House has repeatedly passed bills for giving effect to the said principle, but that these bills failed to become law, at first from the obstacles opposed to them in another branch of the Provincial Legislature, and subsequently by reason of the reservation of the last of the said bills for the signification of His Majesty's pleasure in England, whence it has not yet been sent back; that until some bill to the same effect shall become law, this House persists in the said resolutions; and that the refusal of his Excellency, the present Governor-in-chief, to sign a writ for the election of a knight representative for the county of Montreal, in the place of Dominique Mondelet, esquire, whose seat had been declared vacant, is a grievance of which this House is entitled to obtain the redress, and one which would alone have sufficed to put an end to all intercourse between it and the Colonial Executive, if the circumstances of the country had not offered an infinite number of other abuses and grievances against which it is urgently necessary to remonstrate.

64. Resolved, That the claims which have for many years been set up by the Executive Government to that control over and power of appropriating a great portion of the revenues levied in this province, which belong of right to this House, are contrary to the rights and to the constitution of the country; and that with regard to the said claims, this House persists in the declarations it has heretofore made.

65. Resolved, That the said claims of the Executive have been vague and varying; that the documents relative to the said claims, and the accounts and estimates of expenses laid before this House, have likewise been varying and irregular, and insufficient to enable this House to proceed with a full understanding of the subject on the matters to which they related; that important heads of the public revenue of the Province, collected either under the provisions of the law or under arbitrary regulations, made by the Executive, have been omitted in the said accounts; that numerous items have been paid out of the public revenue without the authority of this House, or any acknowledgment of its control over them, as salaries for sinecure offices, which are not recognized by this House, and even for other objects for which, after mature deliberation, it had not deemed it expedient to appropriate any portion of the public revenue; and that no accounts of the sums so expended have been laid before this House.

66. Resolved, That the Executive Government has endeavoured by means of the arbitrary regulations aforesaid, and particularly by the sale of the waste lands of the Crown, and of the timber on the same, to create for itself out of the revenue which this House only has the right of appropriating, resources independent of the control of the representatives of the people; and that the result has been a diminution of the wholesome influence which the people have constitutionally the right of exercising over the administrative branch of the Government, and over the spirit and tendency of its measures.

67. Resolved, That this House having, from time to time, with a view to proceed by bill, to restore regularity to the financial system of the province, and to provide, for the expenses of the administration of justice and of His Majesty's Civil Government therein, asked the Provincial Government by address for divers documents and accounts relating to financial matters, and to abuses connected with them, has met with repeated refusals, more especially during the present session and the preceding one; that divers subordinate public functionaries, summoned to appear before committees of this House to give information on the said subject, have refused to do so in pursuance of the said claim set up by the Provincial Administrations to withdraw a large portion of the public income and expenditure from the control and even from the knowledge of this House; that during the present session one of the said subordinate functionaries of the Executive being called upon to produce the originals of sundry registers of warrants and reports, which it was important to this House to cause to be examined, insisted on being present at the deliberations of the committee

mittee appointed by the House for that purpose; and that the head of the administration being informed of the fact, refrained from interfering, although in conformity to Parliamentary usage, this House had pledged itself that the said documents should be returned, and although the Governor-in-chief had himself promised communication of them.

68. Resolved, That the result of the secret and unlawful distribution of a large portion of the public revenue of the province has been, that the Executive Government has always, except with regard to appropriations for objects of a local nature, considered itself bound to account for the public money to the Lords Commissioners of the Treasury in England, and not to this House, nor according to its votes, or even in conformity to the laws passed by the Provincial Legislature; and that the accounts and statements laid before this House from time to time have never assumed the shape of a regular system of balanced accounts, but have been drawn up, one after another, with such alterations and irregularities as it pleased the administration of the day to introduce into them, from the accounts kept with the Lords of the Treasury, in which the whole public money received was included, as well as all the items of expenditure, whether authorized or unauthorized by the Provincial Legislature.

69. Resolved, That the pretensions and abuses aforesaid have taken away from this House even the shadow of control over the public revenue of the province, and have rendered it impossible for it to ascertain at any time the amount of revenue collected, the disposable amount of the same, and the sums required for the public service; and that the House having during many years passed bills, of which the models are to be found in the Statute-book of Great Britain, to establish a regular system of accountability and responsibility in the department connected with the receipt and expenditure of the revenue, these bills have failed in the Legislative Council.

70. Resolved, That since the last session of the Provincial Parliament, the Governor-in-chief of this Province, and the members of his Executive Government, relying on the pretensions above mentioned, have without any lawful authority paid large sums out of the public revenue, subject to the control of this House; and that the said sums were divided according to their pleasure, and even in contradiction to the votes of this House, as incorporated in the Supply Bill passed by it during the last session, and rejected by the Legislative Council.

71. Resolved, That this House will hold responsible for all monies which have been, or may hereafter be paid, otherwise than under the authority of an Act of the Legislature, or upon an address of this House, out of the public revenue of the province, all those who may have authorized such payments, or participated therein, until the said sums shall have been reimbursed, or a bill or bills of indemnity freely passed by this House shall have become law.

72. Resolved, That the course adopted by this House in the Supply Bill, passed during the last session, of attaching certain conditions to certain votes, for the purpose of preventing the accumulation of incompatible offices in the same persons, and of obtaining the redress of certain abuses and grievances, is wise and constitutional, and has frequently been adopted by the House of Commons, under analogous circumstances; and that if the Commons of England do not now so frequently recur to it, it is because they have happily obtained the entire control of the revenue of the nation, and because the respect shown to their opinions with regard to the redress of grievances and abuses, by the other constituted authorities, has regulated the working of the constitution in a manner equally adapted to give stability to His Majesty's Government, and to protect the interests of the people.

73. Resolved, That it was anciently the practice of the House of Commons to withhold supplies until grievances were redressed; and that in following this course in the present conjuncture, we are warranted in our proceeding, as well by the most approved precedents, as by the spirit of the constitution itself.

74. Resolved, That if hereafter, when the redress of all grievances and abuses shall have been effected, this House should deem it fit and expedient to grant supplies, it ought not to do so otherwise than in the manner mentioned in its fifth and sixth resolution of the 16 March 1833, and by appropriating by its votes in an especial manner, and in the order in which they are enumerated in the said resolutions, the full amount of those heads of revenue, to the right of appropriating which claims have been set up by the Executive Government.

75. Resolved, That the number of the inhabitants of the country being about 600,000, those of French origin are about 525,000, and those of British or other origin 75,000; and that the establishment of the civil government of Lower Canada for the year 1832, according to the yearly returns made by the Provincial Administration, for the information of the British Parliament, contained the names of 157 officers and others receiving salaries, who are apparently of British or foreign origin, and the names of 47 who are apparently natives of the country, of French origin: that this statement does not exhibit the whole disproportion which exists in the distribution of the public money and power, the latter class being for the most part appointed to the inferior and less lucrative offices, and most frequently only obtaining even these by becoming the dependents of those who hold the higher and more lucrative offices; that the accumulation of many of the best paid and most influential, and at the same time incompatible offices, in the same person, which is forbidden by the laws and by sound policy, exists especially for the benefit of the former class; and that two-thirds of the persons included in the last commission of the peace issued in the province are apparently of British or foreign origin, and one-third only of French origin.

76. Resolved, That this partial and abusive practice of bestowing the great majority of official places in the province on those only who are least connected with its permanent interests, and with the mass of its inhabitants, has been most especially remarkable in the judicial department, the judges for the three great districts having, with the exception of

one only in each, been systematically chosen from that class of persons, who, being born out of the country, are the least versed in its laws, and in the language and usages of the majority of its inhabitants; that the result of their intermeddling in the politics of the country, of their connexion with the Members of the Colonial Administration, and of their prejudices in favour of institutions foreign to and at variance with those of the country, is that the majority of the said judges have introduced great irregularity into the general system of our jurisprudence, by neglecting to ground their decisions on its recognised principles; and that the claim laid by the said judges to the power of regulating the forms of legal proceedings in a manner contrary to the laws, and without the interference of the legislature, has frequently been extended to the fundamental rules of the law and of practice; and that in consequence of the same system, the administration of the criminal law is partial and uncertain, and such as to afford but little protection to the subject, and has failed to inspire that confidence which ought to be its inseparable companion.

77. Resolved, That in consequence of their connexion with the members of the Provincial Administrations, and of their antipathy to the country, some of the said judges have, in violation of the laws, attempted to abolish the use in the courts of law of the language spoken by the majority of the inhabitants of the country, which is necessary to the free action of the laws, and forms a portion of the usages guaranteed to them in the most solemn manner by the law of nations and by statutes of the British Parliament.

78. Resolved, That some of the said judges, through partiality for political purposes, and in violation of the criminal law of England as established in this country, of their duty and of their oath, have connived with divers law officers of the Crown, acting in the interest of the Provincial Administration, to allow the latter to engross and monopolize all criminal prosecutions of what nature soever, without allowing the private prosecutor to intervene or be heard, or any advocate to express his opinion as *amicus curiæ*, when the Crown officers opposed it; that in consequence of this, numerous prosecutions of a political nature have been brought in the courts of law by the Crown officers against those whose opinions were unfavourable to the Administration for the time being; while it was impossible for the very numerous class of His Majesty's subjects to which the latter belonged to commence with the slightest confidence any prosecution against those who, being protected by the Administration, and having countenanced its acts of violence, had been guilty of crimes or misdemeanors; that the tribunals aforesaid have, as far as the persons composing them are concerned, undergone no modification whatever, and inspire the same fears for the future.

79. Resolved, That this House, as representing the people of this province, possesses of right, and has exercised within this province when occasion has required it, all the powers, privileges and immunities claimed and possessed by the Commons House of Parliament in the kingdom of Great Britain and Ireland.

80. Resolved, That it is one of the undoubted privileges of this House to send for all persons, papers and records, and to command the attendance of all persons, civil or military, resident within the province, as witnesses in all investigations which this House may deem it expedient to institute; and to require such witnesses to produce all papers and records in their keeping, whenever it shall deem it conducive to the public good to do so.

81. Resolved, That as the grand inquest of the province, it is the duty of this House to inquire concerning all grievances, and all circumstances which may endanger the general welfare of the inhabitants of the province, or be of a nature to excite alarm in them with regard to their lives, their liberty, and their property, to the end that such representations may be made to our Most Gracious Sovereign, or such legislative measures introduced, as may lead to the redress of such grievances, or tend to allay such alarm; and that far from having a right to impede the exercise of these rights and privileges, the Governor-in-chief is deputed by his Sovereign, is invested with great powers, and receives a large salary, as much for defending the rights of the subject and facilitating the exercise of the privileges of this House, and of all constituted bodies, as for maintaining the prerogatives of the Crown.

82. Resolved, That since the commencement of the present session, a great number of petitions relating to the infinite variety of objects connected with the public welfare, have been presented to this House, and many messages and important communications received by it, both from His Majesty's Government in England and from His Majesty's Provincial Government; that many bills have been introduced in this House, and many important inquiries ordered by it, in several of which the Governor-in-chief is personally and deeply implicated; that the said petitions from our constituents, the people of all parts of this province; the said communications from His Majesty's Government in England and from the Provincial Government; the said bills already introduced or in preparation; the said inquiries commenced and intended to be diligently prosecuted, may and must necessitate the presence of numerous witnesses, the production of numerous papers, the employment of numerous clerks, messengers and assistants, and much printing, and lead to inevitable and daily disbursements, forming the contingent expenses of this House.

83. Resolved, That from the year 1792 to the present, advances had constantly been made to meet these expenses, on addresses similar to that presented this year by this House to the Governor-in-chief, according to the practice adopted by the House of Commons; that an address of this kind is the most solemn vote of credit which this House can pass, and that almost the whole amount of a sum exceeding 277,000 *l.* has been advanced on such votes by the predecessors of his Excellency the Governor-in-chief, and by himself (as he acknowledges by his message of the 18th January 1834), without any risk having ever been incurred by any other governor on account of any such advance, although several of them have had differences, attended by violence and injustice on *their* part, with the House of Assembly, and without their apprehending that the then next Parliament would not be disposed to make good the engagements of the House of Assembly for the time being;

and

and that this refusal of the Governor-in-chief, in the present instance, essentially impedes the despatch of the business for which the Parliament was called together, is derogatory to the rights and honour of this House, and forms another grievance for which the present administration of this province is responsible.

84. Resolved, That besides the grievances and abuses before mentioned, there exist in this province a great number of others (a part of which existed before the commencement of the present administration, which has maintained them, and is the author of a portion of them), with regard to which this House reserves to itself the right of complaining and demanding reparation, and the number of which is too great to allow of their being enumerated here: that this House points out, as among that number,

1stly. The vicious composition and the irresponsibility of the Executive Council, the members of which are at the same time judges of the Court of Appeals, and the secrecy with which not only the functions, but even the names of the members of that body have been kept from the knowledge of this House, when inquiries have been instituted by it on the subject.

2dly. The exorbitant fees illegally exacted in certain of the public offices, and in others connected with the judicial department, under regulations made by the Executive Council, by the judges, and by other functionaries usurping the powers of the legislature.

3dly. The practice of illegally calling upon the judges, to give their opinions secretly on questions which may be afterwards publicly and contradictorily argued before them; and the opinions themselves so given by the said judges, as political partizans, in opposition to the laws, but in favour of the administration for the time being.

4thly. The cumulation of public places and offices in the same persons, and the efforts made by a number of families connected with the administration, to perpetuate this state of things for their own advantage, and for the sake of domineering for ever, with interested views and in the spirit of party, over the people and their representatives.

5thly. The intermeddling of members of the Legislative Councils in the election of the representatives of the people, for the purpose of influencing and controlling them by force, and the selection frequently made of returning officers for the purpose of securing the same partial and corrupt ends; the interference of the present Governor-in-chief himself in the said elections; his approval of the intermeddling of the said legislative councillors in the said elections; the partiality with which he intervened in the judicial proceedings connected with the said elections, for the purpose of influencing the said proceedings, in a manner favourable to the military power and contrary to the independence of the judicial power; and the applause which, as commander of the forces, he bestowed upon the sanguinary execution of the citizens by the soldiery.

6thly. The interference of the armed military force at such elections, through which three peaceable citizens, whose exertions were necessary to the support of their families, and who were strangers to the agitation of the election, were shot dead in the streets; the applause bestowed by the Governor-in-chief and Commander of the Forces on the authors of this sanguinary military execution (who had not been acquitted by a petty jury) for the firmness and discipline displayed by them on that occasion.

7thly. The various faulty and partial systems which have been followed ever since the passing of the Constitutional Act, with regard to the management of the waste lands in this province, and have rendered it impossible for the great majority of the people of the country to settle on the said lands; the fraudulent and illegal manner in which, contrary to His Majesty's instructions, Governors, Legislative and Executive Councillors, Judges and subordinate officers have appropriated to themselves large tracts of the said lands; the monopoly of an extensive portion of the said lands in the hands of speculators residing in England, with which the province is now threatened; and the alarm generally felt therein with regard to the alleged participation of His Majesty's Government in this scheme, without its having deigned to re-assure his faithful subjects on this head, or to reply to the humble address to His Majesty adopted by this House during the last session.

8thly. The increase of the expenses of the Government without the authority of the Legislature, and the disproportion of the salaries paid to public functionaries for the services performed by them, to the rent of real property, and to the ordinary income commanded by the exertions of persons possessing talent, industry and economy equal to, or greater than those of the said functionaries.

9thly. The want of all recourse in the courts of law on the part of those who have just and legal claims on the Government.

10thly. The too frequent reservation of bills for the signification of His Majesty's pleasure, and the neglect of the Colonial-office to consider such bills, a great number of which have never been sent back to the province, and some of which have even been returned so late that doubts may be entertained as to the validity of the sanction given to them; a circumstance which has introduced irregularity and uncertainty into the legislation of the province, and is felt by this House as an impediment to the re-introduction of the bills reserved during the then preceding session.

11thly. The neglect on the part of the Colonial-office to give any answer to certain addresses transmitted by this House on important subjects; the practice followed by the administration of communicating in an incomplete manner, and by extracts, and frequently without giving their dates, the despatches received from time to time on subjects which have engaged the attention of this House; and the too frequent references to the opinion of His Majesty's Ministers in England, on the part of the provincial administration, upon points which it is in their power and within their province to decide.

12thly. The unjust retention of the college at Quebec, which forms part of the estates of the late Order of Jesuits, and which from a college has been transformed into a barrack for soldiers; the renewal of the lease of a considerable portion of the same estates, by the provincial executive, in favour of a member of the Legislative Council, since those estates were returned to the Legislature, and in opposition to the prayer of this House, and to the known wishes of a great number of His Majesty's subjects to obtain lands there, and to settle on them; and the refusal of the said executive to communicate the said lease, and other information on the subject, to this House.

13thly. The obstacles unjustly opposed by the executive, friendly to abuses and to ignorance, to the establishment of colleges endowed by virtuous and disinterested men, for the purpose of meeting the growing desire of the people for the careful education of their children.

14thly. The refusal of justice with regard to the accusations brought by this House, in the name of the people, against judges, for flagrant acts of malversation, and for ignorance and violation of the law.

15thly. The refusals on the part of the governors, and more especially of the present Governor-in-chief, to communicate to this House the information asked for by it, from time to time, and which it had a right to obtain, on a great number of subjects connected with the public business of the province.

16thly. The refusal of His Majesty's Government to reimburse to the province the amount for which the late Receiver-general was a defaulter, and its neglect to enforce the recourse which the province was entitled to against the property and person of the late Receiver-general.

85. Resolved, That the facts mentioned in the foregoing resolutions, demonstrate that the laws and constitutions of the province have not, at any period, been administered in a manner more contrary to the interests of His Majesty's Government, and to the rights of the people of this province, than under the present administration, and render it necessary that his Excellency Matthew Lord Aylmer, of Balrath, the present Governor-in-chief of this province, be formally accused by this House, of having, while acting as Governor, in contradiction to the wishes of the Imperial Parliament, and to the instructions he may have received, and against the honour and dignity of the Crown, and the rights and privileges of this House and the people whom it represents, so recomposed the Legislative Council as to augment the dissensions which rend this colony; of having seriously impeded the labours of this House, acting as the grand inquest of the country; of having disposed of the public revenue of the province, against the consent of the Representatives of the people, and in violation of the law and constitution; of having maintained existing abuses, and created new ones; of having refused to sign a writ for the election of a representative to fill a vacancy which had happened in this House, and to complete the number of representatives established by law for this province; and that this House expects from the honour, patriotism and justice of the reformed Parliament of the United Kingdom, that the Commons of the said Parliament will bring impeachments, and will support such impeachments before the House of Lords against the said Matthew Lord Aylmer, for his illegal, unjust and unconstitutional administration of the government of this province; and against such of the wicked and perverse advisers who have misled him, as this House may hereafter accuse, if there be no means of obtaining justice against them in the province, or at the hands of His Majesty's Executive Government in England.

86. Resolved, That this House hopes and believes, that the independent members of both Houses of the Parliament of the United Kingdom will be disposed, both from inclination and from a sense of duty, to support the accusations brought by this House, to watch over the preservation of its rights and privileges which have been so frequently and violently attacked, more especially by the present administration; and so to act, that the people of this province may not be forced by oppression to regret their dependence on the British Empire, and to seek elsewhere a remedy for their afflictions.

87. Resolved, That this House learned, with gratitude, that Daniel O'Connell, Esq. had given notice in the House of Commons in July last, that during the present Session of the Imperial Parliament, he would call its attention to the necessity of reforming the Legislative and Executive Councils in the two Canadas; and that the interest thus shown for our own fate by him whom the gratitude and blessings of his countrymen have, with the applause of the whole civilized world, proclaimed Great and Liberator, and of whom our fellow-countrymen entertain corresponding sentiments, keeps alive in us the hope that through the goodness of our cause and the services of such a friend, the British Parliament will not permit a minister, deceived by the interested representations of the provincial administration and its creatures and tools, to exert (as there is reason from his despatches to apprehend that he may attempt to do,) the highest degree of oppression, in favour of a system which in better times he characterized as faulty, and against subjects of His Majesty who are apparently only known to him by the great patience with which they have waited in vain for promised reforms.

88. Resolved, That this House has the same confidence in Joseph Hume, Esq., and feels the same gratitude for the anxiety which he has repeatedly shown for the good government of these colonies, and the amelioration of their laws and constitutions, and calls upon the said Daniel O'Connell and Joseph Hume, Esqrs., whose constant devotedness was, even under a tory ministry, and before the reform of Parliament, partially successful in the emancipation of Ireland, from the same bondage and the same political inferiority with which the communications received from the Colonial Secretary during the present session

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menace the people of Lower Canada, to use their efforts that the laws and constitution of this province may be amended in the manner demanded by the people thereof; that the abuses and grievances of which the latter have to complain may be fully and entirely redressed; and that the laws and constitution may be hereafter administered in a manner consonant with justice, with the honour of the Crown and of the people of England, and with the rights, liberties and privileges of the people of this province, and of this House by which they are represented.

89. Resolved, That this House invites the members of the minority of the Legislative Council who partake the opinions of the people, the present members of the House of Assembly, until the next general election, and afterwards all the members then elected, and such other persons as they may associate with them, to form one committee or two committees of correspondence, to sit at Quebec and Montreal in the first instance, and afterwards at such place as they shall think proper; the said committees to communicate with each other, and with the several local committees which may be formed in different parts of the province, and to enter into correspondence with the Hon. Denis Benjamin Viger, the agent of this province in England, with the said Daniel O'Connell and Joseph Hume, Esqrs., and with such other members of the House of Lords or of the House of Commons, and such other persons in the United Kingdom of Great Britain and Ireland, as they may deem expedient, for the purpose of supporting the claims of the people of this province and of this House; of furnishing such information, documents and opinions as they may think adapted to make known the state, wishes and wants of the province; the said committees also to correspond with such persons as they shall think proper in the other British colonies, which are all interested, that the most populous of their sister colonies do not sink under the violent attempt to perpetuate the abuses and evils which result as well from the vices of its constitution as from the combined malversation of the administrative, legislative and judicial departments, out of which have sprung insult and oppression for the people, and, by a necessary consequence, hatred and contempt on their part for the provincial government.

90. Resolved, That the Honourable Denis Benjamin Viger be requested to remain at the seat of His Majesty's Government, at least during the present session of the Imperial Parliament, to continue to watch over the interests of the province with the same zeal and the same devotedness as heretofore, without suffering himself to be discouraged by mere formal objections on the part of those who are unwilling to listen to the complaints of the country.

91. Resolved, that the fair and reasonable expenses of the said two Committees of Correspondence, incurred by them in the performance of the duties entrusted to them by this House, are a debt which it contracts towards them; and that the representatives of the people are bound in honour to use all constitutional means to reimburse such expenses to the said Committee, or to such persons as may advance money to them for the purposes above mentioned.

92. Resolved, that the message from his Excellency the Governor-in-chief, received on the 13th of January last, and relating to the writ of election for the county of Montreal, with the extract from a despatch which accompanied it, the message from the same, received the same day, and relating to the Supply Bill, and the message from the same, received on the 14th January last, with the extract from a despatch which accompanied it, be expunged from the journals of this House.

Enclosure 6, in No. 1.

RESOLUTIONS proposed by Mr. *Neilson* on the 21st February 1834, in amendment of the Resolutions proposed by Mr. *Bedard*, and adopted by the Assembly.

"1. That the state of the province was fully considered by the House, and represented to His Majesty and both Houses of Parliament, in its humble addresses of the 16th March 1831; and that the answer thereto of His Majesty's then principal Secretary of State for the Colonial Department, dated the 7th July following, laid before this House on the 18th November of the same year, contains a solemn pledge on the part of His Majesty's Government, of its ready assent and co-operation in removing and remedying the principal grievances and abuses complained of in the said addresses, and that it is the bounden duty of this House to proceed in the spirit of the said despatch, to co-operate in promoting the peace, welfare, and good government of the province, conformably to the Act of the British Parliament under which it is constituted."

"2. That the extract of the despatch of His Majesty's principal Secretary of State for the Colonial Department, communicated to this House in the message of His Excellency the Governor-in-chief of the 14th January last, contains an acknowledgment of the continued disposition of His Majesty's Government to give effect to the recommendations of the Report of the Committee of the House of Commons of the 22d July 1828, made after a full investigation of the petitions of all classes of His Majesty's subjects in this province, and thereby furnishes an additional inducement to this House to proceed earnestly, diligently, and perseveringly, in so far as depends upon it, to secure for its constituents the advantages afforded by the said recommendations, cultivating harmony and good-will throughout the province, and promoting the general welfare."

"3. That it is urgent at the present time to make legislative provision for the advancement of the improvement of the province, and the amelioration of the condition of its inhabitants;

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inhabitants; more particularly, 1st, for facilitating the occupation under secure titles of all lands in the vicinity of settlements, remaining in a state of wilderness, without the actual settler being burthened with any arbitrary or unnecessary dues or conditions, and either upon the ancient tenures of the country, or in free and common soccage, as may be the most agreeable to the occupant. 2d, For the greater certainty of the laws affecting real property throughout the province for the independence of the judges, and for facilitating the administration of justice and recourse against the provincial government in courts of law. 3d, For the greater responsibility of high public officers, and the trial within the province, of impeachments. 4th, For the settlement of all public accounts, and for a full and fair investigation into all salaries, emoluments of office, fees and expenses exacted under public authority, and a reduction of all unnecessary charges and burthens on the subject."

The House divided on the motion of amendment.

Yeas :—Messieurs Anderson, Baker, Berthelet, Caldwell, Casgrain, Cavillier, Davis, Duval, Goodhue, Gogy, Hoyle, Knowlton, Languedoc, Le Bautillier, Lemay, Neilson, Power, Quisnel, Steuart, Taylor, Wood, Wright, Wurtele and Young (24).

Nays :—Messieurs Amiot, Archaibeault, Bedard, Bertrand, Besserer, Blanchard, Boissonnaults, Bouffard, Bourdages, Bureau, Careau, Cazeau, Courteau, Child, de Bleury, Dionne, Deligny, Deschamps, de Tonnancour, de Witt, Jacques Dorion, P. A. Dorion, Drolet, Fortin, Girouard, Guillet, Huot, Kimber, Lafontaine, Larue, Letourneau, Leslie, Masson, Méthol, Morin, Mousseau, Noël, Paulin, Proulx, Raymond, Rivard, Roeburne, Rochon, Rodier, Scott, Simon, A. C. Taschereau, P. E. Taschereau, Tessier, Toomy, Trudel, Turgeon, Valois, Vanfelson, Godbout, and Viger (56).

Enclosure 7, in No. 1.

RESOLUTIONS of the ASSEMBLY upon the Secretary of State's Despatch, of 7th July 1831, in Answer to their Petition to the King.

1. Resolved, That this House receive with sentiments of gratitude the gracious expression of His Majesty's paternal regard for the welfare and happiness of his subjects in this province, as the proofs of a just and liberal policy towards them, contained in the despatch of His Majesty's Principal Secretary of State for the Colonial Department, dated the 7th of July last; but particularly the acknowledgments that the regulation of the internal affairs of the colony ought to be left exclusively to the local Legislature.

2. Resolved, That it is the opinion of this Committee, that this House sincerely participates in the feelings of kindness and good will manifested in the said despatch, and in the earnest desire to strengthen the bonds already subsisting between this colony and the parent state.

3. Resolved, That this House will proceed with all due diligence and deliberation to provide, as far as depends upon it, remedies for the various matters of complaint contained in its humble petition on the state of the province, forwarded at the close of last session, and referred to in the said despatch.

4. Resolved, That this House gratefully acknowledges the promptitude with which the petition to His Majesty was transmitted by his Excellency the Governor-in-Chief, and the early and perspicuous manner in which the same was considered and answered by the Right Honourable Lord Goderich, His Majesty's principal Secretary of State for the colonial department.

5. Resolved, That the 1st, 2d and 3d heads of the said despatch, relating to education, be referred to the standing Committee on education and schools.

6. Resolved, That the 5th head of the said despatch, relating to regulations of trade, be referred to the Committee of Trade.

7. Resolved, That the sixth, seventh, eighth and ninth heads of the said despatch, relating to the courts of justice and the state of the law, be referred to the Committee on the courts of justice.

8. Resolved, That the eleventh head of the said despatch, relating to executive and judiciary officers, be referred to the committee of grievances.

9. Resolved, That the twelfth head of the said despatch, relating to the responsibility and accountability of public officers, be referred to the committee of accounts.

10. Resolved, That the said committees severally, have power to report on the heads referred to them, by bill or otherwise.

11. Resolved, That this House will not fail to give its early and most deliberate attention to the promised despatches on the most important subjects of the crown lands, and selection and constitution of the Legislative Council, whenever the said despatches shall be laid before this House.

12. Resolved, That an humble address be presented to his Excellency the Governor-in-chief, with copies of the foregoing resolutions.

Ordered, That Mr. Neilson, Mr. Louis Bourdages, Mr. Dessaulles and Mr. Leslie, do present the said address to his Excellency the Governor-in-chief.

House of Assembly, 29th November 1831.

Enclosure 8, in No. 1.

LIST of the LEGISLATIVE COUNCIL.

N A M E.	Date and Mode of Appointment.	Whether the Individual holds any other, and what Office.
Jonathan Sewell - -	by mandamus dated 5 May 1808	- - he is also Chief Justice of the province and Speaker of the legislative council.
Charles J. Sewell, Bishop of Quebec - -	by mandamus dated 30 Jan. 1828.	- - he is also a Member of the executive council.
Sir G. Pownal, knight -	Date of mandamus not known.	—
Charles de St. Ours -	by mandamus dated 2 Dec. 1808.	—
John Hale - - -	by mandamus dated 3 Dec. 1808.	- - he is also Receiver-ge- neral for the province of Lower Canada.
Sir J. Caldwell, bart. -	by mandamus dated 15 Dec. 1811.	—
Herman W. Ryland -	by mandamus dated 17 Dec. 1811	- - he is also clerk of the executive council.
James Cuthbert - -	by mandamus dated 18 Dec. 1811.	—
Charles W. Grant -	by mandamus dated 21 Dec. 1811.	—
Pierre D. Debartzch.	—	—
Thomas Coffin - -	by mandamus dated 8 May 1817.	—
Roderic Mackenzie -	by mandamus dated 10 May 1817.	—
Louis Gagy - - -	by mandamus dated 10 April 1818	- - he is also sheriff of the district of Montreal.
James Kerr - - -	by mandamus dated 19 Oct. 1821	- - he is also a puisne Judge of the Court of King's Bench for the district of Quebec, and Judge of the Court of Vice-admiralty for the pro- vince of Lower Canada.
Edward Bowen - - -	by mandamus dated 20 Oct. 1821	- - he is also a puisne Judge of the Court of King's Bench for the district of Quebec.
William B. Felton -	by mandamus dated 4 April 1822	- - he is also Commissioner for the sale and manage- ment of Crown lands.
Mathew Bell - - -	by mandamus dated 30 April 1823.	—
Toussaint Pothier -	by mandamus dated 22 July 1824	—
John Stewart - - -	by mandamus dated 13 May 1825.	- - he is also a Member of the executive council, Mas- ter of the Trinity-house at Quebec, and Commissioner for managing the estates of the late order of Jesuits in Lower Canada.
John Forsyth - - -	by mandamus dated 3 July 1827.	—
Samuel Hatt - - -	by mandamus dated 25 Nov. 1829.	—
Denis B. Viger - - -	by mandamus dated 30 Nov. 1829.	—
Louis Guy - - -	by mandamus dated 20 Dec. 1830.	—
George Moffatt - - -	by mandamus dated 24 Dec. 1830.	—
Roc de St. Ours - - -	by mandamus dated 1 Jan. 1832.	—
Peter M'Gill - - -	by mandamus dated 3 Jan. 1832.	—
John Molson - - -	by mandamus dated 4 Jan. 1832.	—
M. P. de Sales Laterriere	by mandamus dated 5 Jan. 1832.	—
Frs. X. Malhiol - - -	by mandamus dated 6 Jan. 1832.	—
Jean Dessaulles - - -	by mandamus dated 7 Jan. 1832.	—
Bart Joliette - - -	by mandamus dated 8 Jan. 1832.	—
Pierre de Rocheblave -	by mandamus dated 9 Jan. 1832.	—
Robert W. Harwood -	by mandamus dated 10 Jan. 1832.	—
Antoine G. Cauillard -	by mandamus dated 11 Jan. 1832.	—
Horatio Gates - - -	by mandamus dated 1 Aug. 1832.	—
Robert Jones - - -	by mandamus dated 2 Aug. 1832.	—
James Baxter - - -	by mandamus dated Aug. 1832.	—
Francois Quirouet -	by mandamus dated 25 Oct. 1833.	—

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Enclosure 9, in No. 1.

SUBSTANCE of ADDRESSES from the House of Assembly to the Governor-in-chief during the present Session, with His Excellency's Answers.

ADDRESSES for Information from the House of Assembly.	ANSWERS of His Excellency the Governor-in-chief.
1. For any information respecting the extension of the lease of the forges of St. Maurice.	That he has been authorised to extend the lease to the Honourable M. Bell for 10 years.
2. For copies of opinions and advice given by the persons consulted by His Excellency on the subject of the writ of election for a member for the County of Montreal, in place of Mr. Mondelet, who was expelled from the House of Assembly in consequence of his acceptance of office.— <i>Refused</i> .	That he must decline furnishing the information prayed for.
3. For statement of Lods et Ventes, in the suburbs of Quebec, and copies of instructions to the clerk of the terrars and inspector-general of the King's domain.	That the proper officer will be directed to furnish the information prayed for.
4. For the original accounts and vouchers of receipts and payments of the receiver-general from October 1830 to Oct. 1833.	That he must decline directing the receiver-general to divest himself of the possession of them, but that he shall be directed to attend the Committee and furnish them with such information as may be consistent with his duty to his superiors.
5. For half-yearly accounts of sales and monies received and expended by commissioner of Crown lands.	That he must decline furnishing the information prayed for.
6. For original accounts and vouchers of expenditure and revenue of the province, as may be required from time to time.	That the proper officer will be directed to furnish the information prayed for.
7. For record-book of warrants issued on receiver-general, record-book of reports of auditor-general, and record-book of reports kept by clerk of Executive Council.	Ditto.
8. For copy of despatch from Secretary of State respecting the Supply Bill of 1832.	He lays before the House of Assembly an extract from Viscount Goderich's Despatch of 9 April 1832. No. 92.
9. For blue book from 1830 inclusive.	The proper officer will be directed to furnish the information prayed for.
10. Whether the lease of the forges of St. Maurice has been extended to Mr. Bell, and if so, for a copy of the lease.— <i>Refused</i> .	The lease is now in the hands of the proper officer, for the purpose of being forfeited; but he must decline furnishing the House with a copy of it, in conformity with his decision upon the occasion of the Address of the Assembly of 22 Dec. 1832 upon the same subject.
11. For statement of monies appropriated and not yet paid, and probable amount of revenue to 10 October 1834.	That the proper officer will be directed to furnish the information prayed for.
12. For documents relating to the quarantine station at Grosse Isle.	Ditto.
13. For statement of monies in vault with three keys, and in receiver-general's vault.	Ditto.
14. For copy of proceedings before coroner at Montreal on the body of Solomon Barbeau, who died in that city in November last.	Ditto.
15. For copies of accounts rendered by commissioners named under Act 1 & 2 Will. 4, c. 21.	Ditto.
16. For statement of amount of revenue of the locks at the cascades, cedars, and Coteau du Lac, since 1831.	Ditto.
17. For statement of lands granted or leased to Members of the Legislative and Executive Councils, judges, and other public officers since the date of the report made by the Committee of the House of Commons July 22 1828.	Ditto.

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ADDRESSES for information from the House of Assembly.	ANSWERS of His Excellency the Governor-in-chief.
18. For quarterly statements of receipts and payments of receiver-general from January 1831 to January 1834, distinguishing the civil government from the Jesuits' estates.	That the proper officer will be directed to furnish the information prayed for.
19. For quarterly statements of amount in receiver-general's vault and vault with three locks from January 1831 to January 1834.	Ditto.
20. For information and statements relative to the disposal of Crown lands and clergy reserves in certain townships.— <i>Refused</i> .	Having already declined furnishing the information prayed for, he cannot permit the commissioner of Crown lands to accede thereto on the present occasion.
21. For information respecting the affairs of the late receiver-general, Sir John Caldwell.	That in answer to a reference he made to the Secretary of State for the Colonial Department upon this subject, he has been informed that the Lords Commissioners of His Majesty's Treasury have instructed their solicitor to press the appeal of Mr. H. Caldwell before the privy council to a decision, and that no arrangements have been made with Sir J. Caldwell since that by the Lords of the Treasury on 21 March 1826.
22. For correspondence between the Provincial Government and proprietors of land taken by Government for the Grenville Canal.	That the proper officer will be directed to furnish the information prayed for.
23. For information as to the objections which exist to the appointment of Jews as magistrates.	Ditto.
24. For copies of all correspondence that has taken place between His Majesty's Government and the Seminary of St. Sulpice, of Montreal, and copies of suits brought by the law officers on the subject.— <i>Refused</i> .	That he must decline furnishing the information prayed for, and that he much regrets that he cannot feel justified in so doing, as the correspondence furnishes indisputable proofs of the liberal and disinterested views of His Majesty's Government regarding the seminary, and of their anxiety to promote the prosperity of the City of Montreal.—He is not aware of any suits having been brought.
25. For copy of Instructions to the medical board appointed to examine wounded militia men.	That the proper officer will be directed to furnish the information prayed for.

Enclosure 10, in No. 1.

STATEMENT showing the Amount of the CIVIL EXPENDITURE in *Lower Canada* for the Year 1833, the Amount which was paid on Account thereof, and the Balance still remaining unpaid.

	£.	s.	d.
The amount of the civil expenditure of the year 1833, as estimated for, is	54,604	16	6
Deduct expenses of the Legislature, to be paid out of funds at their disposal - - - - -	14,917	8	-
	39,687	8	6
Add permanent civil list, not included in the estimate - - - - -	5,900	-	-
	45,587	8	6
On account of the sum there was paid out of certain revenues at the disposal of the Crown by provincial Acts, and out of the casual and territorial revenues - - - - -	14,082	4	9
Balance still unpaid, sterling - - - £.	31,505	3	9
The net produce collected under the Imperial Act 14 Geo. 3, c. 88, in the year 1833, for Lower Canada, was - - - - -	34,317	18	6

Quebec, 3 March, 1834.

(signed) Jos. Cary, }
J. G. P. P. } Accountants.

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Enclosure 11, in No. 1.

STATEMENT showing the probable Amount of the REVENUES of Lower Canada which have hitherto been considered at the disposal of the Crown, and of the Civil Expenditure to be defrayed thereout, for the year ending 10th October 1834.

	£.	s.	d.
Probable net amount of the casual and territorial revenue, exclusive of land and timber-fund - - - - -	4,800	-	-
Probable net amount of the produce of the provincial Act 41 Geo. 3 - - -	5,200	-	-
Annual aid by provincial Act 35 Geo. 3 - - - - -	5,000	-	-
Probable net produce of the Imperial Act 14 Geo. 3, c. 88 - - - - -	34,000	-	-
Total Revenue, sterling - - - £.	49,000	-	-
The estimated amount of the civil expenditure of the year 1834 is - - - - -	59,395	13	4
Deduct expenses of the Legislature, to be paid out of the funds at their disposal - - - - -	19,265	1	10
	40,130	11	6
Add amount of permanent civil list, not included in the estimate - - - - -	5,900	-	-
	46,030	11	6
Surplus sterling - - - £.	2,969	8	6

Quebec, 3 March 1834.

(signed) Jos. Cary,
J. G. P. P. A.

Enclosure 12, in No. 1.

STATEMENT showing the Amounts of the ESTIMATES for the CIVIL EXPENDITURE of Lower Canada for the Years from 1829 to 1834 inclusive.

Year.	Amount Sterling.	EXPLANATIONS.
	£. s. d.	
1829	62,123 10 9	The excess of the estimate for 1830 over that for 1829 arises from the following items being charged more in 1830:— £. Lieut.-gov. of Gaspé is charged for two years' difference 300 Provincial agent - - ditto - - - ditto - - 200 Auditor-general's office ditto - - - ditto - - 500 Contingencies of the Legislative Council - - - 1,260 Ditto - - - House of Assembly - - - 3,150 Circuits - - - - - 591 Contingencies of the administration of justice - - 1,068 Miscellaneous - - - - - 1,700 Repairs to public buildings - - - - - 3,000
1830	71,246 17 -	The following items, charged in the estimate for 1830, were omitted in that for 1831:— £. Salary of Lieutenant-governor of Gaspé for two years - 600 Ditto provincial agent for two years - - - 400 Ditto auditor-general - ditto - - - - 1,000 Ditto two provincial judges, difference - - - 400 Ditto advocate-general for two years - - - 400 Ditto chairman of the quarter sessions - - - 1,250 Ditto chairman at Gaspé, for two years - - - 450 Pensions - - - - - 440 Circuits, less - - - - - 1,041 Contingencies of the Legislature, less than the year 1830 4,460 Miscellaneous - - - - - 2,741
1831	57,154 19 6	

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Years.	Amount Sterling.			EXPLANATIONS.
	£.	s.	d.	
				The following items in the estimate for 1832 were charged more than in 1831:—
1832	64,357	—	10	£. Contingencies of Assembly - - - - - 2,225 Indemnity to Members - - - - - 2,500 For unforeseen expenses of Government - - - 1,000 Items before paid out of the Jesuits' estates - - 1,067
1833	54,604	16	6	This decrease is accounted for by the Permanent Civil List, not included - - - - - 5,900 Salary of Lieutenant-governor, omitted - - - 1,500 Indemnity to Members of Assembly, omitted - - 2,500
1834	59,395	13	4	The contingencies of the House of Assembly were increased this year - - - - - 4,347

— No. 2. —

COPY of a DESPATCH from Lord *Aylmer* to the Earl of *Aberdeen*.

My Lord,

Castle of St. Lewis, Quebec, 18 March 1835.

ON the 14th instant I had the honour of transmitting to your Lordship an Address to The King (engrossed on parchment), of the House of Assembly of Lower Canada, on the state of the province. I now take leave to offer some observations on those passages only of the Address which immediately concern my administration of the Government of the province, and abstaining from taking any notice of the other passages in the Address, in which the proceedings of His Majesty's Government at home, and the House of Commons have been adverted to.

No. 1, Copy of
Address.

In the first place, I can only answer to the imputations of the House of Assembly, affecting myself individually of being actuated by "vindictive and bitter feelings," and of "arbitrary and unbecoming conduct on my part displayed towards the people of the province," that the truth of those imputations can only be judged of by the public acts of my administration which speak for themselves, and require neither comment or explanation in so far as regards the feelings and conduct imputed to me by the Assembly.

The House of Assembly complain, "that the chief recommendation to office continues to be a marked and bitter animosity towards the people of this province, that it is seldom men of French Canadian origin find their way into office under any circumstances," and so forth.

The assertion that it is seldom men of French Canadian origin find their way into office, is best answered by a reference to facts. From the accompanying statement, it appears that of 142 appointments which have been made to offices of profit and emolument, from the commencement of my administration in the month of October 1830 to the 1st of the present month (March 1835), 80 are of French origin, and 62 not of French origin, that during the same period the appointments made to offices, not of profit and emolument, amounting to 580; 295 are of French origin, and 285 not of French origin. It thus appears, that in the two instances above-mentioned, the one of appointments to offices of profit and emoluments, and the other to offices not of profit and emolument, the advantage is on the side of individuals of French origin.

No. 2.

In regard of the appointment of commissioners for the trial of small causes in different parts of the country, the same statement shows that those appointments amounted during the same period to 330, of which 151 are of French origin, and 179 not of French origin, leaving a trifling numerical advantage in favour of the latter class, which is accounted for in a *nota bene* at the foot of the statement.

The appointments to be commissioners for the trial of small causes had no connexion

connexion whatever with the general election, during which the Local Government preserved the strictest neutrality. An augmentation of the number of the magistrates in various parts of the country, which had been in contemplation for some time, was suspended on that occasion to avoid anything that could bear the appearance of an interference with the elections; and the same returning officers in the several counties, cities and boroughs who had before performed that office, were re-appointed, although it was perfectly well known that the greater number of them were favourable to the party opposed to the Government, and those only of the former returning officers were removed (a few in number), who had on previous occasions incurred the censure of the majority of the House of Assembly.

The assertion of the House of Assembly, that the persons appointed by me to office are men who display "a marked and bitter animosity towards the people of this province," must appear very extraordinary after reviewing the accompanying statement of appointments to office during my administration, and it is one which I find difficult to answer, because the individuals alluded to are themselves taken from "the people of the province," towards whom they are represented as entertaining sentiments of "marked and bitter animosity."

The drift of this assertion of the House of Assembly is evidently to make it appear that the Canadians of French origin are unfairly dealt with in the distribution of offices; and it is made a matter of complaint with a certain political party in the province, which is identified with the majority of the House of Assembly, that the Canadians of French origin are not appointed to office in numbers corresponding with their proportion to the whole population of the province. Upon this point I take leave to submit a few observations to your Lordship's consideration. They occur in my answer to an address from the inhabitants of Montreal during the last summer, and are introduced here in order that they may be presented to your Lordship's notice in an official form.

If it be desirable that a rule should be established for the distribution of the honours and employments at the disposal of the Crown amongst the King's subjects in the province of different origin, according to their relative numbers, it becomes a matter for consideration, in what manner this object is to be accomplished. Is it proposed to separate and divide into classes the inhabitants of English, French, Scotch, Irish and American birth or origin; and in like manner to parcel out into shares proportioned to their respective numbers all those honours and employments assigning to each class its due proportion? or, is it proposed, that successively as employments in the various departments of the administration become disposable, they shall be conferred on individuals of the several classes in rotation, thereby establishing a species of lottery of the favours and distinctions of Government.

In giving effect to the principle of distribution above-mentioned, the necessary calculations for ascertaining the numbers in each class must undergo frequent revisions, with reference to the constant changes going forward in the component parts of the population of the province from the effects of immigration and other circumstances. These, and other details, would inevitably give rise to further complaints and jealousies; but what is more than all to be deprecated, the principle above-mentioned directly tends to keep alive and perpetuate those very distinctions of national origin, which have been complained of, and of which the traces cannot, for the tranquility and prosperity of the province, be too speedily or too effectually obliterated.

It is not in the light in which this subject has just been placed that I understand the liberal views of His Majesty's Government, but rather that the most rigid impartiality shall be observed in distributing the honours and employments at the disposal of the Crown, and that without reference to national origin, he who may be considered the best qualified for employment, or most deserving of honour, shall be the individual preferred.

This, as I understand it, is the principle upon which His Majesty's Representative in the province should govern his proceedings in the distribution of the honours and employments at the disposal of the Crown, a departure from it in favour of any particular class can alone constitute a just ground of complaint, and if inflexibly and steadily acted upon, no such ground of complaint can reasonably be brought forward on any side.

I have only to add, my Lord, to the foregoing observations, that the principles they

TO THE RIGHT HONOURABLE THE EARL OF ABERDEEN. 39

they inculcate have served as the rule of my public conduct in the administration of the Government of this province; and that in selecting individuals for office, I have invariably made choice of those who, according to the best of my judgment, were best qualified for it, without partiality, favour or affection.

It appears from the statement which accompanies this despatch, and referred to above, that of the appointments to offices of profit and emolument which have been made during my administration, more than one-half have been bestowed upon Canadians of French origin. The assertion of the House of Assembly, therefore, that "it is seldom men of French Canadian origin find their way into office under any circumstances," has been fully disproved. And with reference to the complaints of the Assembly upon that head, I beg to call your Lordship's attention to the fact, that the whole of the preferment of the Roman-catholic church in the province, exceeding 25,000 *l.* per annum, besides fees and dues, is almost exclusively in the hands of "men of French Canadian origin;" the head of their church, in the province (himself invariably a French Canadian enjoying a large revenue, of which 1,000 *l.* per annum is paid out of the military chest), disposing of that preferment at pleasure, and without the slightest interference or control being ever attempted on the part of the Local Government. I beg not to be understood in stating this fact, that I contemplate or would desire to see any change in the present system of patronage in the Catholic church, far from it; the fact is brought forward merely with reference to the complaints of the Assembly.

In addition to the foregoing advantage enjoyed almost exclusively by "men of French Canadian origin," the appointment of teachers in the schools established in the country parts of the province, under the authority of Acts of the Provincial Legislature, with salaries and allowances amounting altogether to 18,000 *l.* per annum, is virtually at the disposal of the Members of the House of Assembly, of whom the great majority (66 out of 88) are of French origin.

Taking together the facts which I have had the honour of stating above, your Lordship will perhaps be of opinion that the Assembly have no reasonable cause to complain of the men of "French Canadian origin" being upon an inferior footing to their fellow subjects of British and other origin in the province, in regard to the enjoyment of offices of profit or emolument.

The House of Assembly next complain, that "even the sacred character of justice has been recently polluted in its source, by the appointing to the high office of judge for the district of Montreal" a man who was a violent and decided "partisan of the administration of the Earl of Dalhousie, and the declared enemy of the laws which he is bound to administer."

The appointment, above alluded to, is evidently that of Mr. Gale, to be puisne judge for the district of Montreal; and the charge of the Assembly, that "he is the declared enemy of the laws he is bound to administer," is one of so great importance, considering the high judicial situation of the accused party, that it may be presumed the Assembly will follow it up by a more formal proceeding directed against Mr. Gale individually; in which case, an opportunity will be afforded him of defending his own character.

I will therefore only remark, with reference to the appointment of Mr. Gale, that he is indebted for it to his own character for integrity and professional knowledge, and to the recommendation of a gentleman holding one of the highest judicial appointments in the province, and who himself is universally respected.

For the rest, the political opinions entertained by Mr. Gale, whatever those may be, have never been brought under my notice, in the course of my administration, by any act or proceeding of his; and it did not appear to me to be either necessary or proper, when the question of appointing him to a seat on the bench was under my consideration, to refer to political controversies long past, and upon the merits of which a great diversity of opinion prevails in the province.

I come next to the complaint of the Assembly, in relation to my refusal to comply with the desire expressed by the town-council of Montreal, during the past summer, to extend the quarantine regulations to that city, and to advance funds from the public chest in aid of indigent emigrants. A reference to facts will in this, as in the former case, furnish the most conclusive answer to the complaints of the House of Assembly; but, before I proceed, it is necessary to apprise your Lordship that the town-council of Montreal enters very warmly into the general politics

politics of the province, and that on that subject it sympathizes with the House of Assembly, of which it may be said to be a branch.

In the month of July last, the mayor of Montreal addressed a letter to my civil secretary, and transmitted with it a set of resolutions adopted at an extraordinary meeting of the town-council, recommending that application should be made to me to extend to the city of Montreal the quarantine regulations which were then in force at Grosse Isle, the quarantine station 30 miles below Quebec; and also for pecuniary aid from the public funds for the relief of indigent emigrants. Being at that moment absent from Quebec, the above-mentioned communication from the mayor and town-council of Montreal was forwarded to me at Sorel; and an answer was returned, of which I have the honour of transmitting a copy (Enclosure, No. 4), and to which I take leave to solicit your Lordship's particular attention, the House of Assembly having described it as being "marked by coldness and insult."

No. 3 Enclosure.
No. 4 Enclosure.

The restrictions necessarily imposed upon vessels arriving at Grosse Isle, in giving effect to the quarantine regulations established in the province, have been found productive of great, although unavoidable, hardship, inconvenience and loss to individuals, and to the mercantile body, and complaints upon that subject have even reached the Colonial-office; to add therefore to those evils, by subjecting individuals to further restrictions, after having undergone the necessary detention and examination for the prevention of the introduction of disease into the province, required by the regulations of the quarantine station, was if possible to be avoided. The repetition of those restrictions, therefore, was discouraged by me, when suggested by the town-council of Montreal. There is, moreover, another consideration which does not appear to have been contemplated by them. The city of Montreal is distant 180 miles from Quebec inland; and steam-vessels (the usual conveyance in the summer season for travellers from Quebec to Montreal) make two stoppages on the route, one at Three Rivers, and the other at Sorel; so that if it were deemed necessary to extend the quarantine regulations to Montreal, as suggested by the town-council, it would have been equally necessary to extend these regulations, first to Three Rivers, and then to Sorel. In this manner, therefore, persons arriving from beyond sea would be subjected to all the restrictions of quarantine at four distinct stations in successions; namely, at Grosse Isle, at Three Rivers, at Sorel, and finally at Montreal.

The application for the issue of funds from the public chest in aid of indigent emigrants must have been made by the town-council of Montreal with the full knowledge of my ineffectual attempts to induce the House of Assembly to make the necessary appropriation for the relief of that class of emigrants, upon which subject I shall have occasion to add a few words presently.

I cannot refrain from remarking that these complaints, in relation to the extension of the quarantine station to Montreal, and the issue of public money in aid of indigent emigrants, come with a very ill grace from the House of Assembly, and under all the circumstances of the case.

During the session of the last year, I sent down a message to the House of Assembly, to the following effect:

"With reference to the measures adopted by the Executive Government, for giving effect to the provisions of the Quarantine Act of the year 1795, as communicated to the House of Assembly during the present session, the Governor-in-chief now recommends to the House to take into their consideration the expediency of placing at the disposal of the Executive Government, to be made use of according to circumstances, a sum adequate to defray the expenses of the necessary improvements in the establishment at Grosse Isle, and to provide for its current expenses during the ensuing season, in the event of its being deemed necessary again to resort to the provisions of the before-mentioned Act."

The above-recited message remained unnoticed on the table of the House of Assembly, and the session terminated without any provision whatever having been made by the Assembly for giving effect to the quarantine establishment.

It was under these circumstances, and when a petition was before the House of Commons, on the part of the House of Assembly, demanding that articles of impeachment should be preferred against me by that Honourable House before the House of Lords, founded upon various accusations, amongst which were enumerated (alleged)

(alleged) illegal advances made by me from the public chest ; it was under these circumstances that, in order to meet the wishes of the province at large, I took upon myself the responsibility of advancing the necessary funds for the re-establishment of the quarantine station at Grosse Isle, amounting to nearly 4,000 £., for which no bill of indemnity has yet been passed, and for which I am therefore still accountable.

The objections which had been raised in the Upper Province, and by a portion of the mercantile body in Lower Canada, to the tax upon emigrants, together with other circumstances, having excited doubts in my mind whether a renewal of the Bill (then on the point of expiring), imposing that tax, would receive the Royal sanction, I decided upon reserving it for the signification of His Majesty's pleasure, in the event of its being brought up to me at the close of the session ; and at the same time being desirous of obtaining some temporary aid for the relief of indigent emigrants, I sent down to the House of Assembly (on the 14th January 1834), a message, which I now transcribe.

"The Governor-in-chief considers it to be necessary to apprise the House of Assembly, with reference to the Act 2 Will. 4, c. 17, intituled, 'An Act to create a Fund for defraying the Expenses of providing Medical Assistance for Sick Emigrants, and of enabling Indigent Persons of that description to proceed to their Destination,' which Act will expire on the 1st day of May next, that it will be his duty to reserve for the signification of His Majesty's pleasure any Act continuing the aforesaid Act, or imposing any tax on emigrants arriving in this colony.

"The Governor-in-chief therefore recommends to the House of Assembly to take into consideration the expediency of making temporary provision from the public funds of the province, in aid of sick and indigent emigrants in the cities of Quebec and Montreal, thereby relieving the inhabitants of those places from the appeals on behalf of such persons, which have heretofore been found to be alike burthensome to their means, and distressing to their feelings."

The message above recited remained, like the preceding one, altogether unnoticed by the House of Assembly, which separated at the end of the session, after having renewed the Emigrant Tax Bill (which, as I intimated to them would be the case, was reserved for the signification of His Majesty's pleasure), but without making any temporary provision for the relief of indigent emigrants, as recommended in my message.

As I have observed above, the town-council of Montreal must have been aware of the fact of my having communicated such a message to the House of Assembly, and of the fate of it, when they applied to me to issue money from the public funds ; and they must likewise have been aware (for two of their body, Members of the House of Assembly, were parties to the measure,) that the Assembly had demanded my impeachment upon certain accusations, amongst which was one charging me with having taken money from the public chest without legal authority.

But, my Lord, had I yielded to the wishes of the town-council in the instance in question, I should have been assailed from all quarters for advances from the public chest for the establishment of hospitals in various parts of the country ; and considering that every circumstance in the present state of this province is laid hold of, and converted to party purposes, a refusal in any one instance would have been made the subject of loud and bitter complaints against the Local Government. I felt, moreover, that the application of the town-council of Montreal was not such as to justify an exception being made to the rule I had laid down for my own guidance in regard to the issue of public money, because subscriptions had been raised there, as well as at Quebec, for the relief of indigent emigrants.

There is only one point remaining to be noticed in the petition of the House of Assembly, which immediately bears upon the local administration ; it relates to "the payment of the public servants without (as the Assembly allege) the sanction or cognizance of the only body authorized to give such sanction."

I can only state, in answer to that assertion, that the payments made to the public servants, since the failure of the Supply Bill in the year 1833, have all been made, according to the instructions of the Secretary of State, out of the casual and territorial

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territorial revenue (which belongs to the Crown), and out of the revenues distinctly appropriated and placed at the disposal of the Crown, towards the support of the civil government and the administration of justice, by the following Acts of the Provincial Legislature, namely, the 35 Geo. 3, c. 9, and 41 Geo. 3, c. 13 and 14.

It may be, although not distinctly stated in their petition, that the Assembly likewise complain of the payments recently made to the public officers on account of the arrears of salaries, and contingent allowances due to them, out of the military chest, equal to 31,000 *l.* sterling. That payment, in like manner, was made in pursuance of the instructions of the Secretary of State for the Colonial Department; and I have only to remark in relation to it, that although the subject was distinctly brought before the House of Assembly, at the opening of the session which has just terminated, and although almost immediately afterwards they were urged (in my message of the 3d instant) to make provision for the re-payment of that sum, the Assembly have separated without even having taken my message into consideration.

The petition of the House of Assembly embraces several other points, which (as I have already observed at the commencement of this despatch) I have left untouched, as not being exclusively directed against my own administration.

I have likewise abstained from noticing the terms used by the Assembly in describing my public acts, and the feelings imputed to me, confident as I am that the general tenor and language of that body regarding myself will not fail to be appreciated by your Lordship as it deserves.

I have, &c.
(signed) *Aylmer.*

Enclosure 1, in No. 2.

TO the KING'S Most Excellent MAJESTY.

May it please Your Majesty,

WE, Your Majesty's faithful and loyal subjects, the Commons of the province of Lower Canada, in provincial Parliament assembled, most respectfully approach Your Majesty to expose :

That, during the last session of the Imperial Parliament, the Commons of the province of Lower Canada, in the name of the people whom they represent, approached Your Majesty by petition, dated from Quebec, on the 1st day of March 1834, setting forth the grievances which the people of the said province suffered, arising out of the vicious principles upon which their political institutions are based, aggravated by a series of arbitrary administrations to which the province has been subjected.

That the inquiry which was instituted before a Select Committee, appointed by the Honourable the House of Commons, upon Canada Affairs, on the 15th of April 1834, induced the people of Lower Canada to hope that not only would the prayer of their petition be listened to, but that the grievances therein set forth, which your petitioners have reason to believe were fully supported, would be immediately redressed.

That this hope, which your petitioners cannot deem unreasonable, was still further strengthened by the retirement of Your Majesty's late Secretary of State for the Colonies, the Right Honourable E. G. Stanley, and the subsequent appointment of the Right Honourable T. Spring Rice; the more especially after the repeated declarations of the Right Honourable the Secretary of State for the Colonies, that Your Majesty's Government was actuated by the strongest desire to render justice to the people of the province, by removing the various abuses under which they suffer, and affording to them security against the recurrence thereof.

That your petitioners, however, regret to state, that not only does the said petition of the Commons of Lower Canada to Your Majesty seem to have been totally neglected, but that new abuses have been inflicted upon the people of this province, which if not speedily removed, will tend to increase to an alarming degree, the discontents which have so long prevailed,

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prevailed, and will ultimately alienate the affections of the people, even from the Government of England itself.

That among the additional grievances of which the people of this province have to complain, your petitioners would invite the attention of Your Majesty to the fact, that his Excellency, Matthew Lord Aylmer, is still continued in the Government of this province, after having been formally accused in the aforesaid petition, of "illegal, unjust and unconstitutional conduct," and after having borne himself towards the representatives of the people of Lower Canada in a manner insulting to a body, intrusted with legislative functions and destructive of the respect which should be due to Your Majesty's representative.

That the acts of the Governor-in-chief, of which the people of this province have still to complain, were for the most part enumerated in the aforesaid petition to Your Majesty; that since that time, the vindictive and bitter feelings, together with the arbitrary and unbecoming conduct which his Excellency has displayed towards the people of this province, have created an universal feeling of discontent towards his Excellency's administration.

That among the just subjects of complaint against the present administration of this province, the system which is exhibited in the distribution of offices, necessarily holds a conspicuous place, that the chief recommendation to office continues to be a display of marked and bitter animosity towards the majority of the people of this province; that it is seldom men of French Canadian origin find their way into office under any circumstances; but when they are appointed, it is not until they have alienated themselves from the sympathies of the people, and allied themselves with the factious minority opposed to the wishes and interests of the country; and that even the sacred character of justice has been recently polluted in its source by the appointing to the high office of judge of the King's Bench for the district of Montreal, a man who was a violent and decided partisan of the administration of the Earl of Dalhousie, and the declared enemy of the laws which he is sworn to administer; and also by the appointment of a great number of commissioners for the trial of small causes, in different parts of the country, intentionally selected on the eve of a general election, from among the notorious partisans of the present administration.

That another cause of complaint, which has arisen since the aforesaid petition of the commons of Lower Canada to Your Majesty, is the culpable indifference betrayed by the Governor-in-chief on the subject of the frightful ravages committed by the Asiatic cholera during the last summer; that a few days after the existence of the dreadful scourge in the city of Montreal was ascertained, the corporation of the said city, in accordance with its strict line of duty, passed a series of resolutions authorizing an application to the Governor-in-chief for an extension of the quarantine regulations to the port of Montreal, and for an aid for the purpose of forwarding the destitute emigrants to their destination; that the answer of the Governor was more than a bare refusal; it was marked by coldness and insult; that your petitioners are firmly of opinion that the virulence which the disease subsequently assumed in the said city of Montreal would have been considerably mitigated had the head of the administration complied with the prayer of the corporation; and that the people of the country generally, and more especially the surviving relatives of the 1,300 victims who died in Montreal, and of the thousands in the province who have fallen victims to the disease, look upon the conduct of his Excellency as one of the principal causes of their suffering and bereavement.

That since the aforesaid petition of the Commons of Lower Canada, Your Majesty's Government, in opposition to the prayer of the said petition, as well as to the numerous representations on that subject submitted to Your Majesty by the House of Assembly, and by several of its authorized agents, has sanctioned the sale of lands belonging to this province to several individuals using the title of the "British North American Land Company;" and your petitioners also have reason for believing that Your Majesty's Government have likewise sold to the individuals aforesaid extensive tracts of land belonging to this province, and thereby have taxed this colony, contrary to the most important and indisputable of the birth-rights of British subjects, which were more particularly acknowledged and confirmed to colonies with local legislatures by the faith and honour of the British Parliament, pledged by the declaratory Act of 1778; the violation of which principle, recognized in said Act, led to the rightful and successful resistance of the former British colonies, and dismemberment of the British empire: That your petitioners, viewing with alarm such an encroachment upon their political privileges, would fain believe that it has been made without considering their constitutional rights, and the provisions of said declaratory Act; that your petitioners, nevertheless, solemnly protest against this violation of the most sacred rights of the people of Lower Canada, and pray Your Majesty to recommend to your Parliament the immediate repeal of the Act passed in favour of the said Land Company; that your petitioners have reason to believe that the said tax is now being paid into the colonial chest of this province for the disposal of the Executive, without the sanction, and in defiance of the expressed will of the Commons of Lower Canada; that your petitioners anticipate with fear, as a consequence thereof, a frightful increase of corruption in this province; that in addition to the fears

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generated by this unconstitutional taxation, and the equally unconstitutional application of the said tax, your petitioners foresee, as arising out of the peculiar powers conferred on the company in question, the destruction of the political independence of the people who may unfortunately become subject to its control, and who will be rendered basely subservient to the said company.

That the continued dilapidations of the revenues of the province, in direct violation of the constitution, are another source of alarm to Your Majesty's Canadian subjects; that after the abandonment of the late Colonial Secretary's project to seize upon the said revenues by suspending an Act which did no more than confirm to the Commons of Lower Canada a right previously recognized, without conferring any new privileges, Your Majesty's Canadian subjects did not expect to be so soon called upon to resist similar unconstitutional encroachments and dilapidations, yet very recently the indisputable privileges of the Assembly have been again violated by the payment of the public servants, without the sanction or cognizance of the only body authorized to give such sanction.

That the people of the Old Colonies, now the United States of North America, however much they were aggrieved by attempts at unconstitutional taxation, had much less to complain of, on the score of executive usurpation, than the people of this province; the Assembly having repeatedly declared its fixed determination not to sanction that which it must ever consider a tyrannical violation of its rights, and which the people of this province regard as a virtual dissolution of the constitution, and for the consequences of which your petitioners cannot answer.

That under these circumstances, your petitioners claim for Your Majesty's Canadian subjects Your Majesty's protection against these and similar acts of pillage; that Your Majesty may, and ought at once to ascertain, in order to bring to just punishment, those who authorized so criminal an assumption of power.

That inasmuch as no session of the Provincial Parliament has intervened since the date of the aforesaid petition of the Commons of this province to Your Majesty, your petitioners abstain from alluding at any length to the insuperable differences and the ever-widening breach between the House of Assembly and the Legislative Council of this province, differences springing out of the very constitution of the latter body; nevertheless your petitioners cannot avoid reminding Your Majesty, that the aforesaid petition contained a prayer that the Legislative Council as at present constituted be abolished, and that the people of the province be empowered to elect the second branch of the Legislature in future, as the only means of producing that harmony without which internal peace and good government cannot exist.

That as an evidence that the people at large fully participate in the opinions of the majority of the House of Assembly, your petitioners take leave to refer Your Majesty to the result of the recent elections in the said province of Lower Canada, which avowedly turned upon the approval or the disapproval of the elective principle, and which result is almost unanimously in favour of the said principle.

Wherefore, your petitioners, expressing the sentiments of the majority of the inhabitants of Lower Canada, pray Your Majesty to comply with the prayer of the aforesaid petitions of the Commons of Lower Canada, dated on the 1st day of March 1834, and also with that of the present petition, by removing the abuses and grievances set forth therein, so that full justice be rendered to the House of Assembly, and to the people whom it represents.

And as by inclination, as by duty we are led to do, we shall ever pray for your Majesty's sacred person.

A. Heot.

(signed) *W. B. Lindsay,*
Clerk of Assembly.

Enclosure

Enclosure 2, in No. 2.

STATEMENT showing the Appointments to Offices of PROFIT or EMOLUMENT made by His Excellency Lord Aylmer, from the Commencement of his Administration to the 1st March 1885.

PERSONS APPOINTED.	OFFICE.	ORIGIN.		For what Place, &c. appointed.
		French Origin.	Not of French Origin.	
Louis Baribault - - -	- - assistant examiner of pilots.	1	-- See N.B. at the end.	Montreal.
Hector S. Huot, esq. - -	- secretary to the com- missioners for erecting a marine hospital.	1	-	Quebec.
George G. Holt, gentleman -	- - inspector of pot and pearl ashes.	-	1	Ditto.
Philip H. Moore, esq. - -	registrar - - -	-	1	Freligsburg.
Joseph Fenwick, gentleman -	- - marshal of Vice- Admiralty.	-	1	Quebec.
Louis M. Marchand, and Leon B. Leprohon.	- - clerks of the old and new markets.	2	-	Montreal.
Michael O'Sullivan, esq. - -	- - King's counsel in the law.	-	1	Ditto.
Frederick Aug. Quesnel, esq. -	- - ditto - -	1	-	
John Sewell, esq. - - -	- - gentleman usher of the black rod, Legis- lative Council.	-	1	
Charles A. Detonnancour, esq. -	coroner - - -	1	-	- - Inferior District of St. Francis.
John Johnson and Pierre Doucet, esqrs.	- commissioners under the Act for ascertain- ing the population.	1	1	County of Gaspé.
François Laroche and Joseph Barnard, esqrs.	- - ditto - -	2	-	County of Portneuf.
Anthony von Iffland and Richard Burke, esqrs.	- - ditto - -	-	2	County of Richelieu.
Pierre Gamelin, esq. - - -	- - ditto - -	1	-	County of Laprairie.
Charles A. Fournent and Her- cule Olivier.	- - ditto - -	1	1	County of Berthier.
Joseph M. Badeau and Charles Ed. Gagnon.	- - ditto - -	2	-	County of St. Mau- rice.
John Lewis Ployait, esq. - -	- - ditto - -	1	-	County of Drummond.
Augustin Delisle - - -	- - ditto - -	1	-	County of Chambly.
Ed. Desbarats, Charles Drolet, and J. A. Taschereau, esq.	- - ditto - -	3	-	County of Quebec.
Hyp. St. George Duprés and George Weeks, esq.	- - ditto - -	1	1	County of Montreal.
John Crawford, esq. - - -	- - ditto - -	-	1	- - County of Bona- venture.
François Coyteaux and Landré Prevost, esq.	- - ditto - -	2	-	- - County of Terre- bonne.
Andrew Russel, esq. - - -	- - ditto - -	-	1	County of Mégantie.
Leon Noel and Damasse Larice, esq.	- - ditto - -	2	-	County of Lotbinière.
John Baker, esq. - - -	- - ditto - -	-	1	County of Missisquoi.
William Henry, esq. - - -	- - ditto - -	-	1	County of Sherbrooke.
Jean Ol. Arcan, esq. - - -	- - ditto - -	1	-	County of Yamaska.
Pierre Annot, esq. - - -	- - ditto - -	1	-	County of Veschires.
Pierre J. Mathon and Amiable Rochette, esq.	- - ditto - -	2	-	County of Champlain.
J. F. Tetu, esq.	- - ditto - -	1	-	Co. of St. Hyacinthe.
Alexandre Mabbutt, esq., and J. B. Meilleur, esq.	- - ditto - -	2	-	Co. of L'Assomption.
Augustin Rocher, esq. - - -	- - ditto - -	1	-	County of Lachenaie.
Baptiste Bomeville and Pierre Patrie, esq.	- - ditto - -	2	-	County of Beauce.
Othner H. Day, esq. - - -	- - ditto - -	-	1	County of Ottawa.
William Ritchie and Silas H. Dickerson, esq. - - -	- - ditto - -	-	2	County of Stanstead.
Pierre Lambert and Pierre Para- dis, esq.	- - ditto - -	2	-	County of Dorchester.
Nazaire Larne, esq. - - -	- - ditto - -	1	-	County of Orleans.
Louis Ruel and Joseph Gosselin, esq.	- - ditto - -	■	-	County of Bellichasse.

(continued)

46 LOWER CANADA :—DESPATCH FROM LORD AYLMER

PERSONS APPOINTED.	OFFICE.	ORIGIN.		For what Place, &c. appointed.
		French Origin.	Not of French Origin.	
John Dyde, esq. - - -	- inspector of pot and pearl ashes.	-	1	County of Quebec.
F. H. Goodhue, esq. - - -	registrar - - -	-	1	County of Sherbrooke.
Barth. Tierney, esq. - - -	comptroller of customs	-	1	Port of Coteau Du Lac.
Andrew Armour, esq. - - -	joint King's printer -	-	1	Montreal.
Thomas P. Anderson, esq. -	registrar - - -	-	1	County of Mégantie.
George Thomas Griffin, esq. -	ditto - - -	-	1	County of Ottawa.
Charles Panet, esq. - - -	joint coroner - - -	1	-	District of Quebec.
Augustin Keeper, esq. - - -	- - secretary to com- missioners.	-	1	Chambly Canal.
P. Panet, esq. - - -	- - King's counsel in the law.	1	-	
Hugues Heney, esq. - - -	- - law clerk, House of Assembly.	1	-	
Charles N. Perrault, esq. - -	- president physician, Board of Health.	1	-	Quebec.
Joseph Parant, esq. - - -	- - ditto - - -	1	-	Ditto.
Joseph Morin, esq. - - -	health commissioner -	-	1	Ditto.
Errol B. Lindsay, esq. - - -	- - registrar Trinity House.	-	1	Ditto.
Ditto - - -	treasurer ditto - - -	-	1	Ditto.
John M'Callum - - -	- - inspector of fish and oil.	-	1	Ditto.
Olivier Godbout - - -	- - ditto - - -	1	-	Ditto.
Alexander Morrison - - -	- - ditto - - -	-	1	Ditto.
Peter Merekell - - -	- - ditto - - -	1	-	Ditto.
Robert Nelson, esq. - - -	health commissioner -	1	-	Montreal.
J. U. Delisle - - -	water-bailiff - - -	1	-	Ditto.
John Delisle, esq. - - -	- - treasurer of Trinity House.	1	-	Ditto.
Ditto - - -	registrar - - -	1	-	Ditto.
Edward Armstrong - - -	harbour-master - - -	-	1	Ditto.
William Pardey, esq. - - -	resident physician - -	-	1	Ditto.
Pierre Beaubien, esq. - - -	- - ditto - - -	1	-	Ditto.
George M. Douglass, esq. - -	- - ditto - - -	-	1	Gaspé.
F. X. Perrault and Alexander Scott, esq.	- - joint clerk of the peace.	1	1	District of Quebec.
T. W. Willan, esq. - - -	clerk of the Crown - -	-	1	Ditto.
Hon. Philip Panet, esq. - - -	puisne judge - - -	1	-	Ditto.
Thomas William Lloyd, esq. -	registrar - - -	-	1	County of Mégantie.
Réné Hamel, esq. - - -	advocate-general - -	1	-	- Province of Lower Canada.
Francis J. C. Arnoldi, esq. -	resident physician - -	1	-	Montreal.
J. B. Bacquet, H. S. Knot, and Edward Caron, esqrs.	- commissioners under 1 W. 4, c. 51, for sub- division of parishes.	3	-	District of Quebec.
Michael O'Sullivan, P. De Roche- blave, and John Finlay, esq.	- - ditto - - -	1	2	District of Montreal.
Thomas Coffin, P. Vezina, and Hughes Heney, esq.	- - ditto - - -	2	1	- - District of Three Rivers.
George Johnston Holt, esq. -	- - inspectors of pot and pearl ashes.	-	1	District of Montreal.
Elzear J. Duchesnay, esq. -	clerk of the Crown - -	1	-	District of Quebec.
J. W. Willan, esq. - - -	- - ditto - - -	-	1	Ditto.
Olivier Valérand - - -	water-bailiff - - -	1	-	Quebec.
Robert Armour, jun. - - -	- - registrar and clerk of Trinity House.	-	1	Montreal.
Ditto - - -	treasurer of ditto - -	-	1	Ditto.
Dominique Mondelet, esq. -	- - King's counsel in the law.	1	-	
P. L. Panet, esq. - - -	grand voyer - - -	1	-	District of Montreal.
Hugues Heney, esq. - - -	- - ditto - - -	1	-	- - District of Three Rivers.
John Delisle and Alexander M. Delisle, esq.	- - joint clerk of the peace.	2	-	District of Montreal.
Charles R. Ogden, esq. - - -	attorney-general - -	-	1	
Charles Fortier, esq. - - -	health officer - - -	1	-	Quebec.
Ebenezer Peek, esq. - - -	- - Kings counsel in the law.	-	1	- - Inferior District of St. Francis.
Alexander M. Delisle, esq. -	clerk of the Crown - -	1	-	Montreal.
Michel Barbean, esq. - - -	inspector of weights -	1	-	Ditto.
Michel Barbean, gentleman -	clerk of the hay-market	1	-	Ditto.
Michael O'Sullivan, esq. - -	solicitor-general - -	-	1	
François Fortier, esq. - - -	inspecting physician -	1	-	Grosse Isle.

TO THE RIGHT HONOURABLE THE EARL OF ABERDEEN. 47

PERSONS APPOINTED.	OFFICE.	ORIGIN.		For what Places, &c. appointed.
		French Origin.	Not French Origin.	
R. Wyat, gentleman - -	- - inspector of beef and pork.	-	1	Montreal.
Robert Hamilton, esq. - -	comptroller customs	-	1	Ditto.
Paul Joseph Lacroix, esq. - -	- - commissioner for the subdivision of pa- rishes.	1	-	District of Quebec.
Martin Shefford, esq. - -	sheriff - - -	-	1	Ditto of Gaspé.
James J. Taylor, esq. - -	registrar - - -	-	1	County of Ottawa.
David Chisholm, esq. - -	coroner - - -	-	1	Dis. of Three Rivers.
William Dalton, esq. - -	inspector of scows -	-	1	Chateauquay.
George M. Muir, esq. - -	registrar - - -	-	1	County of Mégantie.
Francis M. Lepailleur - -	measurer of scows -	1	-	Chateauquay.
Robert Hoyle, esq. - -	collector of customs -	-	1	Stanstead.
George Proud - -	inspector of flour -	-	1	Montreal.
Buckley Rowley - -	ditto - of beef -	-	1	Ditto.
Charles Deguise, esq. - -	- - commissioner for the sub-division of pa- rishes.	1	-	District of Quebec.
John Davidson, esq. - -	- - clerk of the Crown in Chancery.	-	1	Ditto.
German Savard - -	- - inspector of fish and oil.	1	-	Quebec.
François Grenier - -	ditto - ditto -	1	-	Ditto.
Samuel Gale, esq. - -	- - puisne judge, Court of King's-bench.	-	1	Montreal.
Edward Desbarats, esq. - -	- - clerk of the Court of Appeals.	1	-	
John Thompson, esq. - -	- - commissioner for the collection of tolls.	-	1	At Chaudière bridge.
William K. Rayside, esq. - -	- - assistant harbour- master.	-	1	Quebec.
Barth. Simon dit Lafleur - -	water-bailiff - -	1	-	Ditto.
Theodore Davis, esq. - -	registrar - - -	-	1	- - County of Two Mountains.
John Meyer, esq. - -	ditto - - -	-	1	County of Mégantie.
Thomas Amiot, esq. - -	- - clerk of the Crown in Chancery.	1	-	
John Wilkie, esq. - -	clerk of the peac, &c.	-	1	- - Inferior District of Gaspé.
		80	62	
TOTAL - - - 142				

STATEMENT showing the Number and Origin of Persons appointed Commissioners of Small Causes, and the Number and Origin of Persons appointed to all other Offices not of Profit or Emolument, from the commencement of the Administration of his Excellency Lord Aylmer, to the 1st March 1835.

	French Origin.	Not of French Origin.	TOTAL.
Appointments to office not of profit or emolument.	295	285	580
Ditto - commissioners of small causes	151	179	330

N. B.—The majority of commissioners of Small Causes not being of French origin, is accounted for by the fact, that nearly one-third of these appointments are for the townships, where persons of French origin do not reside, and where the French language is not spoken.

Not of French origin includes persons of every other origin who have received appointments, very many of whom are descendants of families settled within the province for several generations, and who are as much identified with the best interests of the province as it is possible for persons of French origin to be. A fact which is alike applicable to every description of appointment, whether of emolument or otherwise.

Enclosure 3, in No. 2.

Monsieur,

Salle du Conseil de Ville Montréal, 12 Juillet 1834.

Les Docteurs Robert Nelson et Guill. J. Vallée, deux des conseillers de ville, et deux des membres du comité sanitaire de Montréal, ayant eu connoissance personnelle qu'il existoit, depuis hier, des cas de choléra Asiatique en cette ville, m'en ont informé aujourd'hui vers midi; en m'engageant à convoquer extraordinairement le conseil, pour aviser aux mesures qu'il conviendrait de prendre dans une circonstance aussi menaçante.

J'ai immédiatement convoqué le conseil de ville, qui a cru devoir siéger à huis clos (à 3 heures P.M.) pour ne point allarmer trop tôt le public par une délibération qui pouvoit avoir cet effet par la nature des informations que Messrs. Nelson et Vallée devoient y donner.

Il paroît donc, par le rapport de ces messieurs (comme par celui que j'ai eu depuis du Dr. P. Beaubien), que du nombre des emigrés, amenés dans ce port par le "Lady of the Lake," il en est décédé un, hier, du choléra Asiatique, au faubourg St. Anne, maison de Joshua Bell; qu'un autre (une femme enceinte) a succombé à la même maladie, ce matin, aux Hangards des emigrés, érigés dans la commune de Montréal; et qu'un troisième individu en est atteint à l'hospital général, ou il a été transporté.

Le conseil de ville a donc cru qu'il ne pouvoit tarder à prendre toutes les mesures de précaution que la foible prudence humaine, l'expérience exercée de la faculté, et les sages prévisions du législateur, pouvoient suggérer et indiquer dans l'intérêt de la santé, et de la vie même de tros concitoyens, comme dans l'intérêt de l'humanité en général, si facile d'adapter et de mettre en pratique ces mesures de précaution, la maladie devoit croître et s'étendre au de là des limites de cette cité, comme elle l'a fait d'une manière si desastreuse en 1832.

Vous verrez, monsieur, par la copie ci-incluse des deliberations due conseil de ville, les résolutions qu'il a prises aujourd'hui dans le but ci-dessus. Je vous les adresse de la part du conseil, pour que vous les soumettiez de suite à son Excellence le Gouverneur-en-Chef, en le priant de vouloir bien prêter une oreille favorable aux urgentes sollicitations qui lui sont personnellement faites par quelques unes de ces resolutions, dont l'exécution est dans les attributs du chef de l'administration et nom du conseil de ville.

J'ai l'honneur d'être, Monsieur, &c.

Lieut. Col. Craig,
Sec. Civil. &c. &c., Quebec.

(signé) J. Viger, Maire de Montréal.

Séance du Conseil de Ville *Montréal*, Samedi, 12 Juillet 1834.

Présents:—M. Le Maire, Dr. Chs. A. Lusignan, Purton Penn, Dr. Guill. J. Vallée, M. Pierre Dufresne, John Danegaire, Augustin Tullock, Julien Perrault, Nahum Hall, Antoine Voyer, Dr. Robert Nelson, Chs. S. Bodier.

M. le Maire a informé le conseil qu'il l'a convoque extraordinairement ce jourd'hui, en conséquence de la communication que lui auraient faites, vers midi, Mess. les Drs. Robert Nelson et Vallée (deux des membres de ce conseil) qu'il existait du choléra Asiatique, depuis hier, dans Montréal, et que même une des personnes atteintes de cette maladie y avait succombé ce matin.

Sur motion du Dr. Vallée, secondé par M. Tullock :

Resolu, Qu'il soit fait application immédiate à son Excellence le Gouverneur-en-chef, pour le prier d'étendre, sous le plus court delai possible, à la ville de Montréal, les avantages de l'Acte de la 35 Geo. 3, c. 5, on de la quarantaine; en autant qu'il existe depuis hier, dans cette ville, plusieurs cas de choléra Asiatique, et qu'à la connoissance personnelle du mouteur, une des personnes atteintes de cette maladie y a succombé ce jourd'hui.

Sur motion de M. Perrault, secondée par M. Tullock :

Resolu, Que les hangards et l'ambalance, élevés dans la commune de cette ville, pour l'usage des emigrés et des cholériques, et maintenant en la possession temporaire de la société des emigrés, soient de ce jour mis sous la surveillance d'un comité de cinq des membres du conseil de ville, pour, par le dit comité, faire servir les dits bâtiments à telles fins, qu'il lui semblera les plus propres à conserver la santé publique.

Resolu, Que Messrs. Perrault, Nelson, Vallée, Lusignan et Penn composent le dit comité.

On motion of Dr. Nelson, seconded by Dr. Vallée :

Resolved, That Drs. P. Beabien and Monro, jun. be requested to take charge, under the direction of the above committee, of the cholera sick at the sheds, on the common, until further provisions be made, either by his Excellency the Governor-in-chief or by the common council.

On motion by Mr. Penn, seconded by Dr. Lusignan :

Resolved, That a representation be made to his Excellency the Governor-in-chief, stating that there are at present in Montreal a great number of indigent emigrants, without the means of proceeding to the Upper Province, many of whom are suffering from illness, and that there are no public funds appropriated for their relief; that the health of this city is endangered

TO THE RIGHT HONOURABLE THE EARL OF ABERDEEN. 49

endangered from this cause; and praying that his Excellency may grant such relief as the urgency of the case requires.

On motion of Mr. Hall, seconded by Mr. Voyer :

Resolved, That the common councilmen of each ward be instructed to visit every house and premises in their respective wards, and to report to the mayor all such infractions of the police regulations, prejudicial to the public health, as may fall under their observations, to the end that proper measures may be immediately adopted for the protection of the health of the citizens.

Sur motion du Maire, secondée par M. Danegaire :

Résolu, Que le comité des chemins prenne sans délai les moyens les plus efficaces, d'assainir les parties basses et malsaines de la cité, et ce, tant par l'ouverture de fossés, ou la construction de canaux souterrains, propres à faciliter l'écoulement des eaux stagnantes, &c., que par tels autres travaux que le comité jugera plus convenables et moins coûteux selon la nature des lieux à améliorer.

Pour vrai extrait des procédés du conseil de ville.

(signé)

P. Anger, Sec. Cy.

Enclosure 4, in No. 2.

Sir,

Sorel, 16th July 1834.

YOUR letter, dated Montreal, July 12th, addressed to Lieutenant-colonel Craig, civil secretary, together with the minutes which accompanied it of the proceedings of the town council of the city of Montreal of the same date, relating to the public health of that city, having been transmitted to the Governor-in-chief at this place, his Excellency has directed me to signify to you in answer, that although always disposed to promote any measure having for its object the preservation of the public health of the inhabitants of Montreal, his Excellency apprehends that it is not in his power to give effect to the suggestions of the town council in the present instance. With reference to the first resolution of the town council, at their meeting on the 12th instant, his Excellency has to observe, that the Act therein alluded to (35 Geo. 3, c. 5,) is now, and has been ever since the opening of the navigation, in full operation; and under its provisions, and the proclamation founded upon them of the 17th April last, all vessels arriving in the province from sea, are subject to the strictest examination, and every possible precaution is used at the quarantine station at Grosse Isle to prevent the introduction of disease; and as a further security, measures have been taken at Quebec for the medical examination of the passengers of vessels which may accidentally have passed Grosse Isle without conforming to the regulations established there. Nothing therefore remains to be done, in so far as regards the operation of the Act in question, upon vessels coming by sea from other countries.

Nevertheless, should it be deemed advisable by the town council of Montreal, as a local measure of precaution, to cause the state of health of passengers arriving in steam-boats or other vessels to be examined previously to their obtaining permission to land, the Governor-in-chief apprehends that that object may be accomplished by means of municipal regulations. But this, as well as other measures of precaution purely local, must be left to the wisdom of the town council, in conformity with the powers with which they are invested by law.

With reference to the fourth resolution of the town council, his Excellency directs me to observe, that he can readily believe in the truth of one fact therein mentioned, namely, that there are at present in Montreal a great number of indigent emigrants without the means of proceeding to the Upper Province; that such would prove to be the case during the present season of navigation, the experience of past years could leave no room to doubt; and were this subject now brought under the notice of the Governor-in-chief for the first time, he would in all probability be induced to incur the responsibility of providing for their passage to the Upper Province out of the public funds. Circumstances, however, into which it is unnecessary to enter on the present occasion, render such a step on the part of the Governor-in-chief highly inexpedient; and his Excellency has only to observe, with reference to the application for the relief of those indigent emigrants, contained in the fourth resolution of the town council, that there are no public funds appropriated for that object.

I have, &c.

To the Mayor of Montreal.

(signed)

Howel Poynter, Lt & A. D. C.

LORD AYLMER.

COPIES of Lord Aylmer's DESPATCHES on 5th March 1834, addressed to the Right Honourable *Edward Stanley*, and of the 18th March 1835, addressed to the Earl of *Aberdeen*.

(*Lord Viscount Elrington.*)

Ordered, by The House of Commons, to be Printed,
30 June 1836.

[*Price 6d.*]

UPPER CANADA.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 26 April 1836;—for,

COPY of an ADDRESS of the HOUSE of ASSEMBLY of *Upper Canada*, in Committee of the whole House, on the 11th of February 1836, to HIS MAJESTY, respecting the COMMERCE and TRADE of that Province; also Copies of the several RESOLUTIONS respecting COMMERCE and TRADE agreed to by the same Committee on the same day.

Colonial Department, }
29 June 1836.

G. GREY.

[This Paper contains the Address of the House of Assembly of Upper Canada, 11 February 1836; but the Resolutions respecting Trade and Commerce have not yet been received from the Lieutenant-Governor.]

ADDRESS OF THE HOUSE OF ASSEMBLY OF UPPER CANADA.

TO THE KING'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN,

WE, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to submit to Your Majesty, that the depressed State of Agriculture in this Province is in a great measure to be attributed to those laws, ordinances and instructions, for the regulation of trade, by means of which the industry of the Province is held in subservience to the interest of the commerce and shipping of the United Kingdom; and from Your Majesty's paternal care and enlightened views we entertain a reasonable expectation, that a more liberal policy, suitable to the wants and more permanent interests of the Colonists, will be henceforth pursued, and their foreign trade encouraged and promoted, as being eminently conducive to the prosperity of the Province.

We further humbly submit to Your Majesty, that we have always shown great willingness to consume the goods and merchandise of the United Kingdom and its Colonies, according to our means of payment; but that if the restrictions which embarrass our commerce were removed, and we permitted to direct the labour of our hands to the industry of our choice, to employ the cheapest and most convenient means of transport, and to carry the products of that industry to those markets in which they could be disposed of to the best advantage, our means of purchasing British goods would be thereby increased, and our capital and labour employed beneficially in diffusing wealth and enjoyment through the Colony.

Situated as Upper Canada is, at a great distance from the sea, the communication with which, by the St. Lawrence, is interrupted for a great part of the year, our interests would be best promoted by the adoption of such commercial regulations as would enable our agriculturists, merchants and manufacturers, to obtain free access to the ocean through every channel by means of which they could safely convey those articles of which this Province possesses a superfluity, to the best markets, and through which they might bring back, of the goods and merchandise of other lands, according to their means, without such imports being subjected to the present heavy tariff of discriminating duties; the operation of which is, to add materially to the many natural obstructions incidental to our inland situation, and to retard the settlement of the waste lands of the Province by the more wealthy, intelligent and persevering class of emigrants, who are induced to settle and invest their capital in the States of Ohio, Michigan, Pennsylvania, and New York; the citizens of which have at all times the free choice of three markets, namely, the St. Lawrence, Foreign States through their own seaboard, and the markets of the Southern States; while we of Upper Canada are restricted to the channel of the St. Lawrence only.

We humbly request that Your Majesty will be pleased to cause such representations to be made to the Government at Washington, as shall appear to be best calculated to induce Congress to admit the goods and merchandise of Great Britain or other nations to pass through the United States into Upper Canada, subject only to the duties which are or may be payable within this Province, and without being liable to the payment of any tax or impost in or to the said States; and also to permit the goods, wares and merchandise of this Province, to be transported through the said States to other countries beyond the seas, free of duty, and subject only to such regulations as may be found necessary for the prevention of infractions of the revenue laws of the American Union.

We also humbly submit to Your Majesty, that lumber is admitted duty free into this Province from the United States, the Government of which States exacts very heavy duties on the lumber we export thither; and that the exaction of these duties gives cause of complaint to all who are largely engaged in carrying lumber from the Western Settlements of this Province to the said States; and we trust that Your Majesty's Government will enter into such negotiations as may have a tendency to place this important branch of Canadian industry, on a footing of perfect reciprocity in the markets of the neighbouring Republic.

Although the prices of wheat and flour, two of our staple commodities, are frequently higher in the United States than in this Province, we are prevented from obtaining the full advantage of the increase of demand consequent on such prices; our wheat being subject to a duty in the United States' Ports of about 1s. 2d. currency on every bushel imported, with a proportional tax on Canadian flour; while, to the people of the said States, our markets for their wheat and flour are always open, duty free, by which regulation they are at all times enabled to avail themselves of such favourable changes as may happen in the markets of Canada.

We humbly request that Your Majesty would cause such representations to be made to the Government of the United States as might have a tendency to place this interesting branch of Canadian commerce on a footing of reciprocity in the two countries, which principle of reciprocity, if it were extended generally to other descriptions of goods, admitted duty free, into the Canadas, under late Colonial Trade Acts, would confer many additional benefits on this Province.

And we also humbly request, that, in consideration of the great and increasing consumption of the merchandise of the United Kingdom in Upper Canada, Your Majesty would be pleased to recommend to Your Parliament to admit the flour, meal, grain, beef, pork, and other staple products of this Province, into the ports of the United Kingdom, on the terms at which the staple agricultural products of the Northern and Eastern States of the American Union are, by a late British Act, authorised to be admitted into Canada, or subject to as reasonable rates of impost as are now levied at the Ports of Montreal and Quebec, on the staple products and manufactures of the United Kingdom, when imported direct from Great Britain and Ireland by sea.

We would humbly represent to Your Majesty, that the entire abolition of the several duties now levied in our ports upon articles of the growth and manufacture of other countries, which come not into competition with the industry of this Province, would have a tendency to increase and diffuse capital here, besides affording a protection to labour by enabling the labourer to live cheaper, and the farmer and manufacturer to compete more successfully with the skill and industry of other countries.

The article of tea, which is consumed in great quantities in this Province, is taxed at Quebec, and prohibited on our frontier, but admitted, free of duty, into the United States, to which it is brought direct from the place of its growth. The free importation of tea into Canada would interfere with no article of domestic manufacture either in Great Britain or her Colonies: although tea is prohibited from being imported hither from the United States, where it is obtained much cheaper than we now obtain it in Montreal and Quebec. The opinion prevails, that it is extensively smuggled from the United States; and it is well known that the seizures made by the officers of the customs sometimes prove ruinous to those persons who are tempted to engage in the traffic; hence the complaint is preferred with very great reason, that laws are enacted in England, where we are not represented in Parliament, prohibiting the people of this Province from purchasing the commodities they require at the best and cheapest markets, and compelling them, if they purchase at all, to uphold
a grievous

a grievous monopoly, by buying at the dearest market both to the merchant and the consumer, although in preventing the Canadians from purchasing tea in the United States, the Government cannot urge the usual specious plea, that it does so to encourage some domestic production either of England or her Colonies.

We are of opinion that the following articles, when imported from Great Britain, or from any other country, into Lower Canada, or into this Province from the United States, should be imported free from all duties; namely, teas of all kinds, coffee, cotton yarn, and all cotton manufactures, bur blocks, bolting cloths and screens, books and papers of all kinds, printers' presses, types and ink, molasses, tin in plates and block tin.

Our close neighbourhood, for many hundreds of miles, to parts of the States of New York, Pennsylvania, Ohio and Michigan, renders it a matter of difficulty for the trader who will not smuggle, to compete with him who will, in all those articles which can be purchased cheapest in the markets of those States, on which a duty is now levied sufficiently high to cover the expense and risk of smuggling them across the lines.

We are of opinion that it would be expedient to repeal the laws imposing 7*l.* 10*s.*, 15*l.*, 20*l.*, and, in some cases, 30*l.* of customs' duties, on every 100*l.* value, of many articles of goods, which are of the first necessity to an agricultural community, when imported into Lower Canada by sea from countries not under the dominion of Great Britain, or from the United States into this Province by land, or other conveyance; while in some instances no duty, and in most cases a duty of only 2*l.* 10*s.* on every 100*l.* value, is exacted on the same descriptions of goods and merchandise if imported from Great Britain or her Colonies, by way of Quebec and Montreal; and that in lieu of the said discriminating duties or other regulations, only 2*l.* 10*s.* on every 100*l.* value, should be levied on such goods, whether they be imported by sea from parts abroad, or by land, river or lake conveyance, from the said United States; so that a fair competition may be allowed in our markets to other nations, and our limited capital and population employed to the best advantage.

And, that it is expedient to repeal the statutes under authority of which train oil and oil of all sorts, fish, dried or salted, and books, which are prohibited to be imported into the United Kingdom, are prohibited to be imported into this Province from the United States or other foreign countries; and to allow the people of this Province to buy oils, books and fish, in whatever market such articles are sold cheapest.

And we would further humbly represent to Your Majesty, that in case the revenue that would accrue to the Province from the customs, duties and other sources, under the changes contemplated in this Address, should fall short of the sum necessary to carry on the Government, and defray the interest of the public debt, we have already contracted, the difference might be raised by a judicious apportionment of taxation, by the Legislature of this Province, on those imported articles which are generally regarded as luxuries, or which come directly into competition with the staple productions of the Colony; and that where, by giving a temporary encouragement, by means of moderate duties, to certain species of domestic industry a reasonable expectation might be entertained that the articles so encouraged would soon be able to compete on equal terms with the products of the skill and labour of other countries, so that the tariff would no longer operate as a tax, we would not be unwilling to impose such duties; and we feel it incumbent on us further to represent to Your Majesty, that as the timber trade of the Canadas has been for many years encouraged and fostered by the commercial regulations adopted in England; and as a large capital is now vested therein, any Act of the Imperial Parliament by which the present scale of duties levied on foreign timber might be reduced, would be attended with very injurious consequences to many inhabitants of this Province engaged in that important branch of our commerce.

(signed) MARSHALL S. BIDWELL, Speaker.

Commons, House of Assembly, }
16th day of February 1836. }

UPPER CANADA.

COPY of an ADDRESS of the HOUSE of ASSEMBLY
of *Upper Canada* to HIS MAJESTY, respecting the
COMMERCE and TRADE of that Province, &c.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
30 June 1836.

LOWER CANADA.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 24 February 1836 ;—for,

COPIES of all CORRESPONDENCE that has taken place between the
SECRETARY OF STATE for the COLONIES and the GOVERNORS of *Canada* and
Mr. *W. B. Felton*, relative to Lands Granted to the said *W. B. Felton*.

(*Mr. Roebuck.*)

Colonial Department, }
29 February 1836. }

G. GREY.

Ordered, by The House of Commons, to be Printed,
4 March 1836.

S C H E D U L E.

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- 1.—Copy of a Letter from Mr. Felton to the Earl Bathurst, dated London, 12 November 1814 p. 3
 - 2.—Ditto - - - ditto - - - dated London, 9 December 1814 - - - - - p. 3
 - 3.—Copy of a Despatch from Earl Bathurst to Lieutenant-General Sir G. Drummond, dated Downing-street, 22 May 1815 - - - - - p. 4
 - 4.—Copy of a Despatch from Sir G. Drummond to Earl Bathurst, dated Quebec, 15 August 1815 p. 4
 - 5.—Ditto - - - ditto - - - dated Quebec, 22 September 1815 (one Enclosure) - p. 4
 - 6.—Copy of a Despatch from Earl Bathurst to Sir G. Drummond, dated Downing-street, 9 December 1815 - - - - - p. 5
 - 7.—Copy of a Despatch from Earl Bathurst to Lieutenant-General Sir J. C. Sherbrooke, dated Downing-street, 7 December 1816 (one Enclosure) - - - - - p. 5
 - 8.—Copy of a Despatch from Lieut.-Gen. Sir H. Sherbrooke to Earl Bathurst, dated Quebec, 6 May 1817 (one Enclosure) - - - - - p. 6
 - 9.—Copy of a Despatch from Earl Bathurst to Lieut.-Gen. Sir J. C. Sherbrooke, dated Downing-street, 10 August 1817 - - - - - p. 7
 - 10.—Copy of a Despatch from Sir J. C. Sherbrooke to Earl Bathurst, dated Quebec, 5 February 1818 (one Enclosure) - - - - - p. 7
 - 11.—Copy of a Despatch from the Earl of Dalhousie to Earl Bathurst, dated Quebec, 10 September 1822 (one Enclosure) - - - - - p. 8
 - 12.—Copy of a Despatch from Earl Bathurst to the Earl of Dalhousie, dated Downing-street, 29 November 1822 - - - - - p. 9
 - 13.—Copy of a Despatch from Earl Bathurst to the Earl of Dalhousie, dated Downing-street, 3 July 1826 (two Enclosures) - - - - - p. 9
 - 14.—Copy of a Despatch from Lieut.-Gen. Sir J. Kempt to the Right Hon. Sir G. Murray, dated Quebec, 5 February 1829 - - - - - p. 10
 - 15.—Copy of a Despatch from Sir G. Murray to Lieut.-Gen. Sir J. Kempt, dated Downing-street, 11 May 1829 - - - - - p. 11
 - 16.—Copy of a Despatch from Mr. Secretary Stanley to Lord Aylmer, dated Downing-street, 1 April 1834 - - - - - p. 11
 - (1.)—Extract of Return for the House of Commons, of Lands Granted to Members of the Legislative Council of Lower Canada, to 1st July 1832, containing such parts of that Return as relate to Mr. Felton and his Family - p. 12
 - (2.)—Substance of Despatches from the Secretary of State, authorizing Grants of Land to be made to Mr. Felton and his Family - - - - - p. 12
 - 17.—Copy of a Despatch from Lord Aylmer to Mr. Secretary Stanley, dated Quebec, 3 July 1834. (10 Enclosures.) - - - - - p. 13
 - (1.)—Copy of a Letter from Mr. Felton to the Civil Secretary, dated 1 July 1834, p. 13
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 - (3.)—Copy of a Despatch from Lord Bathurst, marked (C.) - - - - - p. 9
 - (4.)—Copy of Mr. Felton's Letter to Mr. Secretary Cochran, marked (D.) p. 15
 - (5.)—List of Lands petitioned for by Mr. Felton and Report of Executive Council, marked (E.) and (G.) - - - - - pp. 15, 16
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 - (8.)—Statement from Secretary of the Province, of Crown Lands granted to Mr. Felton - - - - - p. 27
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Statement of Lands Granted to Mr. Felton, agreeably to Return furnished for House of Commons.—(Vide Enclosure (1.) in Despatch of Mr. Secretary Stanley, dated 1 April 1834)
 - (10.)—Extract of Report of Executive Council, recommending a Grant of 600 Acres to Mr. Felton - - - - - p. 28
 - 18.—Copy of a Despatch from Mr. Secretary Spring Rice to Lord Aylmer, dated Downing-street, 29 October 1834 - - - - - p. 28
 - 19.—Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street, 23 February 1836 - - - - - p. 30

CORRESPONDENCE between the Secretary of State for the Colonies and the Governors of *Canada*, and Mr. *W. B. Felton*, relative to Lands Granted to the said *W. B. Felton*.

— No. 1. —

COPY of a LETTER from Mr. *Felton* to the Earl *Bathurst*.

My Lord,

London, Spring-gardens, 12 November 1814.

DEVOTED from my infancy to His Majesty's service, I find myself impelled to obtrude my pretensions on your Lordship's notice, in the conviction that my claims will be attended to with the liberality usual to His Majesty's Government; I therefore take the liberty of representing to your Lordship, that after several years of acknowledged meritorious service in the post of naval-agent victualler, I was induced to accept the temporary appointment of consul at Leghorn, in the confident expectation of being confirmed, sacrificing the permanent situation of agent at Gibraltar, with a salary of 600*l.* per annum, and other advantages; but as I find that my Lord Castlereagh's arrangements do not permit me to hope for confirmation, I am obliged to direct my views to other pursuits. Understanding that His Majesty's Government has it in contemplation to give encouragement to persons of respectability and capital disposed to settle in Canada, I offer to proceed immediately with my family, and in company with the families of three other gentlemen named below, to establish ourselves on the land allotted to us, engaging to take with us a number of families of hemp-growers from the north of Italy, and some families from England, and to employ on the land a capital exceeding 20,000*l.*, on condition of receiving for myself and family, in consideration of my services and my present engagements, a grant of 5,000 acres of the waste lands in the townships of Inverness, Ireland, Wolfstown, Chester or Tingwick, in the province of Lower Canada, together with such future addition as the number of settlers we may establish beyond the proportion required for the 5,000 acres may require; the persons undernamed being granted the usual quantity of 1,200 acres each, for themselves and families:

Mr. Charles Whitcher and family;

Mr. John Felton and family;

Mr. Charles Bridgman Felton and family.

Our object being the *bonâ fide* settlement of ourselves and families in the country we have pointed out, we engage that every exertion shall be used to establish settlers of the most valuable description, and in the greatest numbers our capital can command; and it is submitted to your Lordship's consideration, whether the encouragement of conveying such families as may embark in England in transports as far as Quebec, can with propriety be afforded us. I beg to refer your Lordship for any particulars relative to my services, public and private character, to his Excellency Lord William Bentinck; Lord Exmouth; to all the Naval Boards; and, as touching my claims as consul at Leghorn, to the Secretary of State for the Foreign Department.

I have, &c.
(signed) *W. B. Felton*.

No. 1.
Letter from
Mr. Felton to
Earl Bathurst,
12 November 1814.

— No. 2. —

COPY of a LETTER from Mr. *Felton* to the Earl *Bathurst*.

My Lord,

London, 9 December 1814.

IN reference to my application for a grant of land in the province of Lower Canada, I beg leave to request your Lordship will be pleased to direct that I may be allowed to rent, on the usual terms, the Crown and Clergy Reserves contained within the allotment marked out for me and my companions; and also that your Lordship will allow another person, proposing to accompany me, a similar quantity of land to that requested for the others: the name of the person in question is William Whitcher.

I have, &c.
(signed) *W. B. Felton*.

No. 2.
Letter from
Mr. Felton to
Earl Bathurst,
9 December 1814.

4 CORRESPONDENCE RESPECTING GRANTS OF LAND

— No. 3. —

COPY of a DESPATCH from Earl *Bathurst* to Lieut.-Gen. Sir *G. Drummond*.

Sir,

Downing-street, 22 May 1815.

No. 3.
Despatch from
Earl Bathurst to
Lieut.-Gen.
Sir G. Drummond,
22 May 1815.

Mr. W. B. Felton having applied for permission to establish himself and his family on a grant of land in Canada, upon which it is their intention to employ a capital of 20,000 *l.*, I have the Prince Regent's commands to authorize you to make a grant of 4,000 acres to them, in the following proportions; viz., 2,000 acres to Mr. W. B. Felton, 500 acres to Mr. John Felton, 500 acres to Mr. Charles Felton, 500 acres to Mr. William Whitcher, and 500 acres to Mr. Charles Whitcher. And if it shall hereafter appear, that the land so granted shall have been properly settled and brought into a good state of cultivation, and that the grantees possess the means of cultivating a larger tract of land with advantage to the interest of the colony as well as to themselves, I am to desire that suitable extensions of their respective grants may be made, at the discretion of yourself and His Majesty's executive council. It would, of course, be desirable that such future grants should be made contiguous to those which are intended to be made in the first instance.

I have, &c.
(signed) *Bathurst*.

— No. 4. —

COPY of a DESPATCH from Sir *Gordon Drummond* to Lord *Bathurst*.

Castle of St. Lewis, Quebec,
15 August 1815.

My Lord,

I HAVE had the honour of receiving your Lordship's despatches of the dates specified in the margin, authorizing me to grant certain quantities of land to Mr. Whitcher, and to Mr. Felton and his associates.

I have now to acquaint your Lordship that these gentlemen have arrived here, and that I shall take the necessary measures for complying with the instructions conveyed to me in your Lordship's despatches.

I am, &c.
(signed) *Gordon Drummond*.

22 May 1815, relative to Mr. Felton's land.
13 June 1815, relative to Mr. Whitcher's land.

— No. 5. —

COPY of a DESPATCH from Sir *G. Drummond* to Lord *Bathurst*.

Castle of St. Lewis, Quebec,
22 September 1815.

My Lord,

I HAD recently the honour of addressing your Lordship on the subject of a communication made to me by Mr. Felton, touching the quantity of land which I am authorized by your Lordship to grant to him and his associates, and stating that he had been led to expect a more extensive grant.

Mr. Felton's letter upon that occasion I transmitted to your Lordship, and now forward the copy of one which I have subsequently received from that gentleman, in which he seems to request that a reference may be had to Mr. Hamilton, and to Messrs. Gordon & Amyot respecting the terms on which he and his associates directed their attention to Canada.

I am, &c.
(signed) *Gordon Drummond*.

No. 5.
Despatch from
Sir G. Drummond
to Lord Bathurst,
22 September 1815.

12 September 1815.

(Enclosure.)

Sir,

Three Rivers, 12 September 1815.

Enclosure.

I AM honoured by your letter of the 31st ultimo, which reached me on my return from the townships yesterday, and I take leave to request you will be pleased to express my very grateful acknowledgments for his Excellency's condescension in acceding to my request. I am happy in the opportunity of explaining to you, Sir, the cause of my departure from Europe, ignorant of the variation in the terms on which my enterprise was undertaken; it is

TO MR. FELTON, IN LOWER CANADA.

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is simply, that I embarked at Leghorn, with my family, on the 28th of May last, and Mr. Whitcher left London two days after the despatch from the Earl Bathurst was dated, and finally sailed on the 8th of June; Mr. Whitcher had embarked his family and effects previous to the receipt of the despatch, and had, besides, the most perfect assurance of my departure from Italy, which would have taken place on the 1st of May, had not political impediments prevented it, so that I was of necessity ignorant of the error into which Earl Bathurst had fallen. Being persuaded that his Lordship must have forgotten the engagement he had induced me to enter into by his own suggestion communicated to me by Mr. Hamilton, the Under Secretary of State for Foreign Affairs, and that his Lordship has classed me among those applicants for lands who have no official claim for preference, I beg to entreat you will be pleased to suggest to his Excellency, as the most efficacious means of ascertaining the correctness of my statement, and the justice of my claims, that the Earl Bathurst be requested to refer to Mr. Hamilton, who by his Lordship's orders directed my attention to Canada, under the promise of encouragement, and to Messrs. Gordon and Amyot, who conveyed to me his Lordship's assurance of the grant to me and my associates, as detailed in my former letter.

I have, &c.
(signed) *H. B. Felton.*

No. 5.
Despatch from
Sir G. Drummond
to Lord Bathurst,
22 September 1815.

Enclosure.

— No. 6. —

COPY of a DESPATCH from Earl Bathurst to Sir G. Drummond.

Sir,

Downing-street, 9 December 1815.

I HAVE received your letter of the 22d September last, inclosing one from Mr. Felton, on the subject of the quantity of land you have been authorized to grant to him and his associates, and I am to acquaint you, that as the instructions conveyed to you were drawn up after communication with Mr. Hamilton on the subject, I cannot sanction any further grant of land until that already made shall be so far advanced in cultivation as to authorize such an addition.

I have, &c.
(signed) *Bathurst.*

No. 6.
Despatch from
Earl Bathurst to
Sir G. Drummond,
9 December 1815.

— No. 7. —

COPY of a DESPATCH from Earl Bathurst to Lieutenant-General Sir J. Sherbrooke.

Sir,

Downing-street, 7th December 1816.

I HAVE the honour to transmit to you the copy of a letter addressed to me by Mr. Whitcher, stating, that the conditions under which Mr. Felton and himself received a grant of land last year have been fulfilled, and requesting that I will in consequence convey to you my sanction to an increased grant, in compliance with the expectation held out to them at that period; I have therefore to desire, that if the land settled by Messrs. Feltons and Whitchers should be in the advanced state of cultivation represented in the enclosed letter, that you will make to them a further allotment of land, as nearly adjoining their present location as circumstances will admit, to the amount of 3,000 acres to Mr. Felton, and 700 acres to each of his associates; and that you will also assign to such of their labourers as may be desirous of becoming settlers on their own account 100 acres each in the same neighbourhood, under the usual conditions of residence and cultivation.

I take this opportunity of calling your attention to that part of Mr. Whitcher's letter which represents the inconvenience sustained by settlers, from the present arrangement of the Crown and Clergy Reserves: I am fully aware of the reasons which have led to the mode of making these reservations, which is now the subject of complaint, and I am not in any degree disposed to question its utility; but I would suggest to your consideration, whether it would not be more for the advantage both of the settlers and of the Clergy or the Crown, if a practice were introduced of letting these reserves to the persons who had the adjoining lots, upon lease for their lives, and a certain number of years after their death, instead of adhering to that now in force, of letting them for specified periods. By giving the lessee of these reserves a life-interest, it appears to me that he would be more anxious to engage in the cultivation, and his exertions would still further be animated by the assurance that his family would, for a limited period after his death, reap the benefit of his labour. It requires, on the other hand, no argument

No. 7.
Despatch from
Earl Bathurst to
Lieut.-Gen.
Sir J. Sherbrooke,
7 December 1816.

6 CORRESPONDENCE RESPECTING GRANTS OF LAND

No. 7.
Despatch from
Earl Bathurst to
Lieut.-Gen.
Sir J. Sherbrooke,
7 December 1816.

to show, that whatever brings those reserves into cultivation, must be for the ultimate advantage of the Clergy and the Crown; and that whether they be alienated for seven or fourteen years, or for the life of a settler, is a matter of comparative indifference.

It appears, from a map which Mr. Whitcher has produced to me, that some of the lots adjoining those now settled by Messrs. Felton and Whitcher have been granted, since their arrival, to non-residents; and, among others, I observe the name of Captain Loring, of the 104th regiment, who was at the time military secretary to Sir Gordon Drummond. If these gentlemen have correctly stated the extent of their exertions, and the capital employed by them, they have claims far superior to any which can be advanced by a non-resident; and I should gladly countenance an arrangement which could place them in possession of the land most conveniently situated for their purpose. But if it be true that Captain Loring has procured a grant of those lots since the plan of Messrs. Felton and Whitcher was known in the colony, I can have no difficulty in authorizing you to resume those grants, which, as he from his public situation must have known the promises of an extension of grant originally given to Messrs. Felton and Whitcher, he could only have obtained with the view of disposing of them to them, or of defeating the further execution of their project: under either of which circumstances I cannot consider him entitled to any consideration.

I am, &c.
(signed) Bathurst.

(Enclosure.)

LETTER from Mr. Charles Whitcher to Earl Bathurst.

15, Arundel-street, Strand,
19 November 1816.

Enclosure.

My Lord,

HAVING returned to this country for the purpose of procuring seeds and such implements of agriculture as we find on a local knowledge of Canada indispensable, I embrace the opportunity of acquainting your Lordship that by an early application of capital, and great personal exertion of Mr. Felton, myself and associates, we have been enabled to fulfil the conditions under which you were pleased to authorize a grant of land in May 1815, and the whole being in tillage for seed the approaching season, I trust the extension promised at that period may now receive your Lordship's sanction.

I take the liberty of making known the extreme difficulties we are under owing to the practice of setting apart the Crown and Clergy Reservations intersecting the lands allotted to settlers, which with the vast extent of waste lands even in the best townships, preclude a possibility of connecting a portion suitable to the management or maintenance of a respectable agriculturist. The consequent expense imposed on the settler by this arrangement of fencing and making general and occupation roads through their uncultivated spaces, occasion much serious interruption in the settlement, in addition to the numerous other difficulties we experience in the prosecution of our extensive schemes, that I venture to hope your Lordship will perceive how greatly it would accommodate and facilitate the accomplishment of our object were these Reserves included in the grant promised us.

And to further the intention of peopling the neighbourhood, I am induced to request that grants of 100 acres may be allowed such of our labourers as are disposed to become actual settlers.

I have, &c.
(signed) Chs. Whitcher.

— No. 8. —

COPY of a DESPATCH from Lieut.-Gen. Sir J. C. Sherbrooke to Earl Bathurst.

My Lord,

Quebec, 6 May 1817.

No. 8.
Despatch from
Lieut.-Gen.
Sir J. C. Sherbrooke,
6 May 1817.

IMMEDIATELY on receiving your Lordship's despatch, of the 7th December 1816, directing that the lands granted to Major Loring and others, in Ascot, to the prejudice of Mr. Felton's establishment, should be resumed, I caused a communication on the subject to be made to Major Loring, who at once declared his readiness to surrender those lands to the Crown, either in exchange for others, or even without an equivalent if he should be required to do so.

He also gave such an explanation of the manner of his obtaining the lands in question as showed that he had no design of advantaging himself to the injury of Mr. Felton; and the enclosed copy of a letter from that gentleman to my secretary will show your Lordship that immediately after the lands were granted a satisfactory arrangement

TO MR. FELTON, IN LOWER CANADA.

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arrangement was made between him and Major Loring for the exchange of them, and that with this arrangement Mr. Felton remains satisfied.

The grant made to Lieut.-Col. Fulton, in the same township, arose from the precedent found in the case of Major Loring, but an intimation has been given to him of the necessity of his surrendering it; and as he is, I understand, at Ghent, your Lordship may perhaps think it advisable to direct a particular communication of your wishes to be made to him.

I have, &c.

(signed) *J. C. Sherbrooke.*

No. 8.
Despatch from
Lieut.-Gen.
Sir J. C. Sherbrooke,
6 May 1817.

(Enclosure.)

LETTER from Mr. Felton to A. W. Cochran, Esq.

Sir,

Ascot, 21 April 1817.

Enclosure.

MAJOR LORING being apprehensive that the representation stated to have been made by Mr. Whitchee to the Earl Bathurst on the subject of a grant made to Major Loring by Sir Gordon Drummond, of part of the lands which my associates and myself had prayed to be reserved to cover the anticipated increase in the quantity to be granted to us, may leave on the mind of his Lordship an impression injurious to Major Loring, and as I am extremely solicitous that in the prosecution of my just rights no injury should accrue to that gentleman, I take the liberty of stating, in confirmation of part of the conversation I had the honour of holding with you on the subject, that Major Loring, on understanding from my brother that his location of these lands, by depriving the associates of the lots reserved for them, greatly interfered with the arrangements for our settlement, voluntarily, and in the most liberal manner, offered to exchange them for others, and an arrangement was afterwards agreed on for that purpose.

Having thus vindicated the conduct of Major Loring subsequent to his acceptance of the grant in question, I feel it incumbent on me to beg your attention to the consequences of the precedent then furnished, and which entail on me the mortification of obtruding on you to represent the serious injury I am again exposed to by the grant lately made to Colonel Fulton, who has no motive to exchange lands for my accommodation, and whose representative is not furnished with the necessary powers to carry his own liberal intentions into effect.

I have, &c.

(signed) *W. B. Felton.*

— No. 9. —

COPY of a DESPATCH from Earl Bathurst to Lieut.-Gen.
Sir J. C. Sherbrooke.

Sir,

Downing-street, 10 August 1817.

No. 9.

I HAVE the honour to acknowledge the receipt of your despatch of the 6th May, and to acquaint you that I have caused an intimation to be given to Lieut.-Col. Fulton, that as he is not resident on, or employed in the cultivation of the grant of land which has been made to him in the township of Ascot, that instructions had been given to you to resume it, but that if it were his intention to reside in Canada you would be authorized to make him a similar grant in another unobjectionable situation. I have therefore to desire that Colonel Fulton and Major Loring may have their lands exchanged for others equally advantageous to them.

Despatch from
Earl Bathurst to
Lieut.-Gen.
Sir J. C. Sherbrooke,
10 August 1817.

I have, &c.

(signed) *Bathurst.*

— No. 10. —

COPY of a DESPATCH from Sir J. C. Sherbrooke to Earl Bathurst.

My Lord,

Quebec, 5 February 1818.

No. 10.

I HAVE the honour to enclose your Lordship copy of a letter addressed to my secretary by Mr. Felton, on receiving communication of your Lordship's despatch 10 August 1817, acquainting me that Lieut.-Col. Fulton had been informed of the necessity of resuming the lands granted to him in the township of Ascot.

In recommending to your Lordship's favourable consideration this application of Mr. Felton for a grant of certain Crown Reserves in lieu of the lots held by

Despatch from
Sir J. C. Sherbrooke
to Earl Bathurst,
5 February 1818.

8 CORRESPONDENCE RESPECTING GRANTS OF LAND

No. 10.
Despatch from
Sir J. C. Sherbrooke
to Earl Bathurst,
5 February 1818.

Lieut.-Col. Fulton, I beg leave to add, in further support of it, that the patent for those lots having actually issued before I received your Lordship's first communication on the subject, and there being no means in law of cancelling it, or of destroying the title of Col. Fulton to these lands without his consent, which I understand he is determined to withhold, it becomes the more desirable that Mr. Felton should be compensated in the manner he proposes for the inconvenience he sustains from the grant to Colonel Fulton.

I have, &c.
(signed) J. C. Sherbrooke.

(Enclosure.)

LETTER from Mr. Felton to A. W. Cochran, Esq.

Enclosure. Sir, Quebec, 26 January 1818.
I REQUEST you will be pleased to submit to his Excellency the Governor-in-chief, that feeling unwilling to occasion any further inconvenience to his Excellency on the subject of the lands granted to Lieutenant-Colonel Fulton, and being solicitous to extend my settlement without prejudice to that gentleman, I take the liberty of suggesting that, in the event of the Lieutenant-Colonel retaining his title to those lands, it will become equally convenient to me to have them replaced by a similar quantity of the Crown land next adjoining.

From the success of my efforts promising results as satisfactory to myself as useful to the public, I have no doubt that the Earl of Bathurst will be induced to extend the encouragement so liberally afforded me by His Majesty's Government; and as I have received the assurance that for an "especial purpose sanctioned by his Excellency the Governor," his Lordship will authorize the grant, I presume to hope his Excellency will condescend to refer my request to His Majesty's Ministers.

Ascot, 9 range,
Nos. 1 & 8
10 range, No. 6.
11 — No. 4.
12 — Nos. 1 & 8.

The lots intersecting my farms in the centre of my settlement, and of which the possession will much contribute to advance the prosperity of the country around, by enabling me to commence the establishment of a central village church, schoolhouse, &c., are noted in the margin.

Many other public lots, now unoccupied, could be settled to great advantage by English emigrants, if permission can be had to exchange them for other ungranted lands equal in quality in the same township.

I have, &c.
(signed) W. B. Felton.

— No. 11. —

COPY of a DESPATCH from the Earl of Dalhousie to Earl Bathurst.

No. 11.
Despatch from
the Earl of
Dalhousie to
Earl Bathurst,
10 September 1822.

My Lord, Quebec, 10 September 1822.
MR. W. B. FELTON having applied to me for a further extension of the grant already made to him under the authority of different despatches from your Lordship, on the ground that he had expended in the cultivation of the land already assigned to him, the sum of money which His Majesty's Government required him to lay out as a condition of getting a further grant, I thought proper to refer the matter to council, whose report thereupon I have now the honour of enclosing to your Lordship; and in pursuance of the recommendation therein contained, I submit to your Lordship's favourable consideration this application for an additional grant, not exceeding the quantity of 5,000 acres, stated in the Report.

I have, &c.
(signed) Dalhousie.

(Enclosure.)

EXTRACT of a REPORT made by a Committee of the whole Council, dated 24th January 1822: approved by his Excellency the Governor-in-chief in Council, 1st March 1822:

Enclosure.

UPON the memorial of William Felton, Esq., "The Committee, in obedience to your Excellency's reference of the 24th September last, have proceeded to take into consideration the several despatches and letters of Earl Bathurst of 22d May 1815, 9th December 1815, 7th December 1816, and 10th August 1817, from which it appears that Mr. Felton, in case of accomplishing his part of the engagement, by the expenditure of 20,000 £. in the cultivation of waste lands, should be favourably considered in such further grant as the Crown might see fit to make within the limit of 10,000 acres; and from an examination of Mr. Felton before this Board, the Committee has every reason to believe that the sum of 20,000 £. has, by Mr. Felton and his associates, been expended in the improvement and cultivation of the lands which he owns in the township of Ascot.

"At

TO MR. FELTON, IN LOWER CANADA.

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" At the same time it is not in the power of this Committee to interfere in this matter so as to advise your Excellency to make a grant of any specific quantity of acres to Mr. Felton. They can only recommend that the propriety of a further grant for such quantity, not exceeding 5,000 acres, as His Majesty in his bounty may see fit to grant to Mr. Felton, should be submitted to the consideration of His Majesty's Ministers."

(Certified.)

(signed) H. W. Ryland.

No. 11.
Despatch from
the Earl of
Dalhousie to
Earl Bathurst,
10 September 1822.

Enclosure.

— No. 12. —

COPY of a DESPATCH from Earl Bathurst to the Earl of Dalhousie.

My Lord, Downing-street, 29 November 1822.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 10th September last, stating that Mr. W. B. Felton having applied for a further extension of his grant of land, on the ground that he had expended in the cultivation of the land already assigned to him the sum of 20,000 £., and transmitting the report of the Executive Council, recommending that an additional grant, not exceeding 5,000 acres, should be made to Mr. Felton ; in reply, I have to approve of your Lordship making a further grant of 5,000 acres to Mr. Felton.

I have, &c.
(signed) Bathurst.

No. 12.
Despatch from
Earl Bathurst to
the Earl of
Dalhousie,
29 November 1822.

— No. 13. —

COPY of a DESPATCH from Earl Bathurst to the Earl of Dalhousie.

My Lord, Downing-street, 3 July 1826.

I HAVE the honour to transmit to your Lordship the copy of a letter which I have received from Mr. Felton, requesting, in consideration of the capital which he has expended and the fulfilment of the conditions under which his former grants of land were made to him, that he may receive such further encouragement by an extension to his lands as his means to improve them may appear to justify. I have to acquaint your Lordship, that under the circumstances stated by Felton, and as the extensive improvements which he has made give him strong claims to my favourable consideration, I have to authorize your Lordship to make him an additional grant, not exceeding 5,000 acres, with the usual reservations for his children and labourers.

With regard to Mr. Felton's request to receive grants in free and common socage of the reserves which he now holds under lease from the Crown, if your Lordship should be of opinion that it would facilitate the improvement of the township, and is not liable to objection, I feel disposed to accede to the application.

I have, &c.
(signed) Bathurst.

No. 13.
Despatch from
Earl Bathurst to
the Earl of
Dalhousie,
3 July 1826.

15 April 1826.
6 May 1826.

LIST of the Documents referred to.

(A.) Mr. Felton's Letter to Lord Bathurst, 15 April 1826.—	Vide Enclosure No. 1, in Despatch,	
3 July, No. 13 - - - - -	- - - - -	p. 10
(B.) Ditto - - second Letter, 6 May 1826.—	Vide Enclosure No. 2, in Despatch, 3 July, No. 13,	
- - - - -	- - - - -	p. 10
(C.) Lord Bathurst's Despatch, 3 July 1826.—	Vide No. 13 - - - - -	p. 9
(D.) Mr. Felton's Letter of 8th May 1828, to Mr. Secretary Cochran - - - - -	- - - - -	p. 15
(E.) Schedule of Lands prayed for - - - - -	- - - - -	p. 15
(F.) List of Grants - - - - -	- - - - -	p. 16
(G.) Reference to the Attorney-general on the Report of Council - - - - -	- - - - -	p. 16
(H.) Attorney-general's Draught and Reference to the Provincial Secretary - - - - -	- - - - -	p. 16

10 CORRESPONDENCE RESPECTING GRANTS OF LAND

No. 13.

Despatch from
Earl Bathurst to
the Earl of
Dalhousie,
3 July 1826.

Enclosure 1.

(Enclosure 1, in No. 13.)

LETTER from Mr. Felton to Lord Bathurst.

(A.)

My Lord,

London, 15 April 1826.

IN an application to your lordship in the year 1814 for a grant of 10,000 acres of waste land in Lower Canada, I engage to employ a capital to the amount of 20,000 *l.* in its cultivation and improvement. On obtaining the grant, I devoted myself to the fulfilment of my engagement, and by unwearied exertions for the last 11 years, I have formed a flourishing settlement, and converted a considerable extent of wilderness into productive and valuable farms. In subjecting myself to the privations and expenses inseparable from the establishment of my family in these remote wastes, my object was to form an estate for my children, but I have been compelled to part with a considerable portion of the grant in order to effect the prescribed duties of settlement, and in the course of the enterprise I sustained very severe losses by fire. As my capital has been employed very much to the advantage of the public (although I have reason to believe that it would have been invested with greater benefit to my family in the acquisition of land more accessible than that at the disposal of the Crown), and as I have acquired experience and facilities which will enable me to extend the improvement and settlement of waste lands with greater advantage than heretofore, I take the liberty of requesting your lordship will be pleased to continue the favour and encouragement afforded me by authorizing the Governor-in-chief to make such further extension of my grant as my means and services may appear to justify. At the same time I request that the usual reservations may be made for my children; and my labourers be provided with land as heretofore.

I have, &c.

(signed) W. B. Felton.

(Enclosure 2, in No. 13.)

LETTER from Mr. Felton to Lord Bathurst.

— (B.) —

My Lord,

London, 6 May 1826.

Enclosure 2.

I BEG leave to make my very grateful acknowledgments to your lordship for acceding to my request for an additional grant of land in Lower Canada. Understanding that it is your lordship's intention to give up the Reserves of the Crown, in the view of encouraging the improvement of the townships, I take the liberty of again trespassing on your lordship's indulgence to represent, that having possession of six or seven lots of waste land, held under the lease of the Crown, and which I am desirous of bringing under cultivation, I request your lordship will be pleased to authorize the Governor-in-chief to receive the surrender of the leases, and re-grant the land in free and common socage.

I have, &c.

(signed) W. B. Felton.

— No. 14. —

COPY of a DESPATCH from Lieutenant-General Sir J. Kempt to the Right honourable Sir G. Murray.

No. 14.

Despatch from
Lieut.-Gen.
Sir J. Kempt to
Right Hon.
Sir G. Murray,
5 February 1829.

Sir,

Castle of St. Lewis, Quebec, 5 February 1829.

EARL BATHURST having, in a despatch dated the 3d of July 1826, conveyed authority to the Earl of Dalhousie to grant 5,000 acres of land to the Hon. W. B. Felton, the Commissioner of Crown Lands in the province, I have the honour to inform you that he has lately applied to me for the same; and, the despatch having stated that this grant should be made to him with the usual reservations for children and labourers, he has also applied to me for 1,200 acres for each of his children, nine in number.

I conceive that the despatch above alluded to sufficiently authorizes the grant of 5,000 acres to Mr. Felton; but, as it can scarcely be inferred from the terms "with the usual reservations for children and labourers," that it was the intention to confer a grant to such an extent upon his children, I have informed him that I could not give it without a special authority from you.

The usual allowance to an ordinary settler, when lands were granted, has been 100, or at most 200 acres; and 1,200 is the utmost extent which the Governor is authorized by his instructions to grant to any one individual. Mr. Felton states, that his object in settling in this country was to obtain lands and form an estate for his family; and that, to accomplish this, he has already expended a very large sum of money; but as, besides this grant of 5,000 acres, he has already, on two former occasions, received altogether land to the extent of 5,541 acres, and as the present

TO MR. FELTON, IN LOWER CANADA.

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present application for his children amounts to 10,800 more, I feel that I could not, without the express sanction of His Majesty's Government, grant so large a quantity of land to any one family; and I therefore request that you will be pleased to inform me, whether you would authorize me to comply with his request.

I have, &c.
(signed) *James Kempt.*

No. 14.
Despatch from
Lieut.-Gen.
Sir J. Kempt to
Right Hon.
Sir G. Murray,
5 February 1824

— 15. —

COPY of a DESPATCH from Sir *G. Murray* to Lieut.-General Sir *J. Kempt*.

Sir,

Downing-street, 11 May 1829.

I HAVE the honour to acknowledge the receipt of your despatch of the 5th February last, requesting instructions as to complying with an application which you have recently received from Mr. Felton, for grants of 1,200 acres of land for each of his children, amounting in the whole to 10,800 acres. I am well aware that Mr. Felton has expended a large capital in improving the grants of land which he has received; but taking also into my consideration the extent of those grants, I do not feel myself justified in authorizing an addition of more than 200 acres to Mr. Felton's grant for each of his children.

I have, &c.
(signed) *G. Murray.*

No. 15.
Despatch from
Sir G. Murray
to Lieut.-Gen.
Sir J. Kempt,
11 May 1829.

— No. 16. —

COPY of a DESPATCH from Mr. Secretary *Stanley* to Lord *Aylmer*;
(with Enclosures.)

My Lord,

Downing-street, 1 April 1834.

I HAVE the honour to acquaint you, that among the papers lately sent home from Lower Canada for The House of Commons, my attention has been called to a Return of all grants of land made to members of the Legislative Council up to the 1st July 1832, which, together with other papers required by The House, reached this Department, in your Lordship's despatch, No. 68, of the 10th July, on the 9th September last.

The point which I consider to require immediate notice, and upon which I desire to receive information with the least possible delay, is the quantity of land which is stated to have been granted to Mr. Felton, the Commissioner of Crown Lands, and to his family, and which would appear by the abovementioned return, to amount to upwards of 23,000 acres. On a reference to the correspondence which is to be found in this Department, it seems that the number of acres which the Secretary of State from time to time authorized to be granted to Mr. Felton and his family, differ in several respects from the numbers stated in the Return now furnished for The House of Commons. I enclose a statement from which this will clearly appear. But the most important circumstance is, that Mr. Felton having applied to Sir J. Kempt in 1829 for a grant of 1,200 acres to each of his children, Sir James, in transmitting to the Secretary of State this application, expressed his opinion that the prayer of the petition ought not to be complied with, and Sir George Murray decided that the indulgence to be given should be limited to a grant of 200 acres to each of his children. How it has happened that 1,200 acres have been granted to each child after so express a denial of what could not but be considered as a most unreasonable application on the part of Mr. Felton, considering the quantity of land which he had already received, I am at a loss to explain. I must, therefore, desire that your Lordship will call upon Mr. Felton for the necessary explanation on this point, and that if the grants have not actually issued, you will take care they are withheld; for so large a deviation from the instructions of the Secretary of State cannot possibly be sanctioned. Upon the whole subject, however, I trust that some error will be found to exist, and that I shall not be called upon to signify that decision which, if the facts should be such as they at this moment appear, I should be bound to adopt in a case which admits of so little indulgence.

I have, &c.
(signed) *E. G. Stanley.*

No. 16.
Despatch from
Mr. Sec. Stanley
to Lord Aylmer,
1 April 1834.

12 CORRESPONDENCE RESPECTING GRANTS OF LAND

Enclosure 1, in No. 16.

No. 16.
Despatch from
Mr. Sec. Stanley
to Lord Aylmer,
1 April 1834.

EXTRACT of RETURN, for The House of Commons, of Lands Granted to Members of the Legislative Council of *Lower Canada* to 1st July 1832, containing such parts of that Return as relate to Mr. *Felton* and his Family.

(Abstract from Parliamentary Paper, No. 149, ordered to be printed
24th March 1834.)

Enclosure 1.

Names of Councillors and Children.	Quantity of Land Granted.	DATE of the GRANT.
W. B. Felton, Esq. - - -	600 acres - -	29th September 1816.
Ditto - - - - -	2,941 — - -	1st July 1818.
Ditto - - - - -	5,200 — - -	31st May 1824.
Ditto - - - - -	5,000 — - -	2d March 1831.
Ditto - - - - -	400 — - -	24th May 1831.
Children of ditto :		
W. L. P. Felton - - -	1,000 — - -	— —
Eliza Felton - - -	1,200 — - -	— —
Charlotte Felton - - -	1,200 — - -	— —
Fanny Felton - - -	1,200 — - -	— —
Maria Felton - - -	1,200 — - -	— —
Matilda Felton - - -	1,200 — - -	— —
Louisa Felton - - -	1,200 — - -	— —
Octavia Felton - - -	1,200 — - -	— —
Total - - -	23,541 acres.	

Enclosure 2, in No. 16.

Enclosure 2. SUBSTANCE of DESPATCHES from the Secretary of State, authorizing Grants of Land to be made to Mr. *Felton* and his Family.

DATE of DESPATCH.	Grant to be made to Mr. Felton and his Children.	REMARKS.
Lord Bathurst, 22d May 1815.	to Mr. Felton - 2,000 Acres.	- - This despatch also authorized 500 acres to be granted to each of the following gentlemen: Mr. T. Felton, Mr. C. Felton, Mr. W. Whitcher, Mr. C. Whitcher; but as none of them are children of Mr. Felton, the grants to them are not stated in the preceding column.
Lord Bathurst, 7th December 1816.	to Mr. Felton - 3,000	- - This despatch authorized a grant of 700 to each of the above-mentioned gentlemen.
Lord Bathurst, 29th November 1822.	to Mr. Felton - 5,000	
Lord Bathurst, 3d July 1826	to Mr. Felton - 5,000	
Sir G. Murray, 11th May 1829.	- - to Mr. Felton's children 200 acres each. The number of children by the Return for Parliament appears 8 - 1,600	
TOTAL authorized by } Secretary of State - }		16,600

TO MR. FELTON, IN LOWER CANADA.

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— No. 17. —

COPY of a DESPATCH from Lord *Aylmer* to Mr. Secretary *Stanley* ;
(with Enclosures.)

No. 17.

Despatch from
Lord Aylmer to
Mr. Sec. Stanley,
3 July 1834.

Sir,

Castle of St. Lewis, Quebec, 3 July 1834.

WITH reference to your despatch of the 1st of April last, No. 49, calling for an explanation from Mr. Felton, the Commissioner of Crown lands, regarding certain grants of Crown lands in this province to him and his children, which grants have been found to exceed very considerably the amount authorized by His Majesty's Government, I have now the honour of transmitting for your information Mr. Felton's answer to my reference to him on that subject, through my civil secretary.

Mr. Felton's explanation, and its accompanying documents, will, I trust, be found sufficient to answer the purpose of your inquiry.

I have to observe, that the circumstances connected with this subject having occurred previous to my assumption of the government of this province, I have no knowledge of them besides what is derived from the documents now transmitted.

In the despatch to which I have now the honour of returning an answer, I am directed to "take care to withhold the grants (to the children of Mr. Felton) if not already issued."

These grants having been already issued (in November 1830), I shall now await your further directions before requiring the surrender of them by the parties concerned.

Besides the documents furnished by Mr. Felton, I transmit herewith a statement and copy of a letter explanatory of it, from the secretary of the province, of the various grants of Crown lands which have been issued to Mr. Felton and his family; it will be found to vary in some particulars of dates, and numbers of acres, from the statement which accompanied your despatch of the 1st of April, and I therefore return the latter in order that the two statements may be compared. The secretary of the province tells me he is at a loss to account for their discrepancy.

In the statement of the secretary of the province abovementioned, there appears a grant to Mr. Felton during my administration of 600 acres, as late purser in the Royal Navy. That grant was issued upon the recommendation of the Executive Council (a copy of whose report is herewith transmitted), and I take leave to observe, that had I been then aware, which I was not, of the large grants already obtained by Mr. Felton, I should not have given my sanction to that recommendation without reference to His Majesty's Government.

I have, &c.

Aylmer.

(Enclosure 1, in No. 17.)

LETTER from Mr. *Felton* to the Civil Secretary.

Sir,

Quebec, 1 July 1834.

I AM honoured with your communication of 20th May, transmitting to me, by order of his Excellency the Governor-in chief, a despatch from the Right Hon. Mr. Stanley, calling for explanation regarding grants of Crown lands conferred upon me and my family; and in obedience to my Lord Aylmer's commands, I beg leave to submit a statement of all the circumstances, as far as is consistent with my knowledge of the proceedings, and with the documents existent in the public offices.

Enclosure 1.

STATEMENT.

The first points in Mr. Stanley's despatch on which it appears to be desirable to give information, is the course of official proceedings had in relation to making the grant to Mr. Felton's family; and the second is the reasonableness of the application on the part of Mr. Felton, considering the quantity of land which he had already received, and the circumstances under which the grant of 1,200 acres instead of 200 acres was made to Mr. Felton's children, notwithstanding the directions in the Secretary of State's despatch, framed upon the suggestion of Sir James Kempt.

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No. 17.
Despatch from
Mr. Sec. Stanley,
to Lord Aylmer,
3 July 1834.

Enclosure 1.

The official proceedings were as follows :

On the 15th April 1826, Mr. Felton being in England, applied to Lord Bathurst for an additional grant of land for himself, and the usual reservation for each of his children, with an allowance of land for his labourers as heretofore.

On the 6th May 1826, he further applied for permission to have the Crown Reserves interspersed amongst his land included in the grant.

On the 3d July 1826, Lord Bathurst directs a grant of 5,000 acres to Mr. Felton, with the usual reservations for his children and labourers, including the grant of the Crown Reserves as prayed for.

On the 8th May 1828, Mr. Felton applies for patents for 5,000 acres of land for himself, and 1,200 for each of his children, and encloses a schedule of the particulars of the required grants, and subsequently to the foregoing furnishes a statement of precedents, showing that the usual extent of grants to children had been 1,200 acres each.

On the 2d March 1829, the Executive Council reports in favour of the grant of 5,013 acres to Mr. Felton, and on the 9th March reference is made to the Attorney-general to prepare a draught of patents for 5,013 acres according to the tenor of the report, but no authority appears to have been given to include the grants to Mr. Felton's children; in consequence, it is presumed, of Sir James Kempt having determined upon communicating with Sir George Murray for further instructions on that subject. The reply to Sir James Kempt's letter was received on the 7th August 1829, when Colonel Yorke, the civil secretary, transmits to Mr. Felton a copy of the despatch from Sir George Murray, dated 11th May 1829, sanctioning the grant of 200 acres only to each of the children, as suggested by Sir James Kempt.

On the 25th May 1830, the Attorney-general sends his draught of the patents to Colonel Yorke; this draught contains the grant to the children as prayed for by Mr. Felton, and it remains in Colonel Yorke's possession until the 18th August, when it is transmitted to the secretary of the province, with the order for engrossment indorsed upon it by Colonel Yorke. The patents not being engrossed in time to receive Sir James Kempt's signature, are, with several others similarly situated, presented for the signature of his Excellency Lord Aylmer, 20th November 1830.

The official view of the subject is, that an error must have been committed in the office of the Attorney-general, whose draught does not correspond with the report of council, and reference from the civil secretary, as there is no document to be found authorizing the Attorney-general to insert the grant to the children, nor any communication on the subject between the 9th November 1829 and the 25th May 1830, the interval employed in the preparation of the draughts.

The Commissioner of Crown Lands feels it is duty to observe that as a public officer, connected with the management of the Crown lands, he had no agency nor influence, directly nor indirectly, in forwarding the patents; that in the interval from the 25th May to 11th August 1830, the Attorney-general's draught was in Colonel Yorke's possession, and that no other person had or could have access to it, and that it was only when the patent was ordered to be prepared in August 1830, a few months before the departure of Sir James Kempt for England, that Mr. Felton became aware of the grants being made to the full extent of his petition. The next point connected with his despatch is the reasonableness of Mr. Felton's application, and the circumstance under which the Secretary of State's acquiescence in Sir James Kempt's suggestion was not acted upon.

In referring to Mr. Felton's claims, as set forth in his application to my Lord Bathurst, and as represented to Sir James Kempt, it may possibly appear that Sir James Kempt took a different view of the case in 1830, when his Excellency was about to resign the government of the colony, from that which he entertained on first assuming it in 1828; and it is probable that Sir James Kempt found cause to change his opinion, that the prayer of Mr. Felton's petition ought not to be complied with.

When Mr. Felton received Colonel Yorke's letter of 7th August 1829, announcing Sir George Murray's decision, he immediately waited on his Excellency Sir James Kempt, and respectfully expostulated on the hardship and injustice of refusing to him, who had fairly and honourably performed all the conditions of his engagements to the utmost letter, by residing upon his grants, that award to which he considers his children entitled from the privations they had suffered, and the application of their patrimony to purposes from which the government derived more extensive advantage than themselves; at the same time pointing out that Mr. Felton had abstained from covering his acquisitions by the names of third parties as others had done, preferring to have the names of his family inserted in the patents. And when he ascertained, a short time before the departure of Sir James Kempt, that the extent of the grant corresponded with his pretensions, he was convinced that Sir James had been satisfied with the justice of his claims, and that in acceding to the prayer of the petition, his Excellency had given a proof of the good feeling he condescended to entertain towards him personally, as well as for his character and public services. The Right honourable the Secretary of State, in terming Mr. Felton's request unreasonable, will not probably have adverted to the peculiar circumstances under which it was made. The clamour of factious persons may mislead Mr. Stanley as it misled Sir James Kempt, but if the Secretary of State will cause full inquiry to be instituted, he will find that of all the extensive grantees of the Crown in this colony, Mr. Felton is the only one who brought a capital with him from England, to be applied exclusively to the improvement of his grant, and that he is a solitary example of the *bonâ fide* and minute performance of the engagements under which he occupied the grant.

TO MR. FELTON, IN LOWER CANADA.

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He will further learn, that by Mr. Felton's exertions and expenditure, a flourishing country has been created where the waste would have at this hour reigned, as on other extensive grants; and that the capital which has produced effects so beneficial to the government and the country, could have been much more advantageously employed in the purchase of other lands, than in the acquisition and improvement of grants from the Crown.

As far as His Majesty's Government is concerned, it is clear, that the clamour of the ignorant and disaffected, notwithstanding the benefits accruing to the province from the improvements of the townships, and the introduction of settlers of loyal feelings and steady habits, by the exertions and at the expense of Mr. Felton, have been cheaply purchased by the sacrifice of a few thousand acres of waste lands, which, under other circumstances, would have either remained uncleared and unimproved, or have been tenanted by a horde of disaffected and disloyal squatters.

I have, &c.,
(signed) William B. Felton.

(Enclosure 4, in No. 17.)

— (D.) —

LETTER from Mr. Felton to Mr. Secretary Cochran.

Sir,

Quebec, 8 May 1828.

Enclosure 4.

I BEG the favour of you to request his Excellency the Governor-in-chief to be pleased to give instructions that a patent may issue for the grant of land authorized to be made to me and my children by the Earl Bathurst's despatch of the 3d July 1826.

The enclosed schedule exhibits the particulars of the lands which I am desirous of obtaining, to the extent of 5,000 acres for myself, and of 1,200 acres to each of my children.

I have, &c.
(signed) W. B. Felton.

(Enclosure 5 a, in No. 17.)

— (E.) —

LIST of LANDS petitioned for by William Bowman Felton, for Himself and Nine Children, as ordered in Lord Bathurst's Despatch of the 3d July 1826.

Enclosure 5 a.

		Lots,		Acres.	
William Bowman Felton	- Ascot	- No. 19	- 2d range	- 200	
		3, 4, 5	- 3	- 600	
		8, 14, 26, 27 & 28	- 4	- 1,000	
		9	- 5	- 200	
		12 & 28	- 6	- 400	
		9, 16, 23	- 7	- 600	
		8 (65 ac.)	- 12	- 165	
		4, 5, 6 (214 ac.)	- 13	- 614	
	Brompton	- 22 (272 ac.)	- 4	- 272	
	Hatley	- 28	- 4	- 200	
		26 (248 ac.) 28 (166 ac.)	- 6	- 414	
	Orford	- 10 (148 ac.)	- 1	- 148	
		8	- 2	- 200	
William Locker Pickmore Felton,	Orford	- {16, 17, 18, 19 (289 ac.)}	- 6	- 1,135	
		- {20 (246 ac.)	-	-	
Eliza	- Orford	- {16, 17, 18, 19, 20, 21 (267 ac.)}	- 7	- 1,267	
Anne	- Orford	- {16, 17, 18, 19, 20, 21 (220 ac.)}	- 8	- 1,220	
Charlotte	- Orford	- {16, 17, 18, 19, 20, 21 (195 ac.)}	- 9	- 1,195	
Fanny	- Orford	- {22 (172 ac.) 23 (173 ac.)}	- 9	- 1,260	
		- {24 (188 ac.) 25 (223 ac.)}	-	-	
		- {26 (255 ac.) 27 (250 ac.)}	-	-	
Maria	- Orford	No. 16, 17, 18, 19, 20, 21	- 17	- 1,200	
Matilda	- Orford	- {22, 23, 24, 25, 26, 27 (182 ac.)}	- 17	- 1,182	
Louisa	- Orford	- {16 (220 ac.) 17, 18, 19, 20, 21}	- 18	- 1,220	
Octavia	- Orford	- {22, 23, 24, 25, 26, 27, 28 (182 ac.)}	- 18	- 1,182	

(signed) William B. Felton.

16 CORRESPONDENCE RESPECTING GRANTS OF LAND

No. 17.

Despatch from
Lord Aylmer to
Mr. Sec. Stanley,
3 July 1834.

Enclosure 5 b.

(Enclosure 5 b. in No. 17.)

—(G.)—

EXTRACT of a REPORT made by a Committee of the whole Council, dated the 25th February 1829, and approved by his Excellency the Administrator of the Government in Council, the 2d March 1829.

THE despatch of the late Secretary of State, Lord Bathurst, directs that a grant should issue in favour of Mr. Felton for 5,000 acres, to which of course there can be no objection, and your Excellency having been pleased to refer to this Committee to report whether Mr. Felton's request to include the reserves which he now holds under lease from the Crown within the said grant, would facilitate the improvement of the township, and is not liable to objection, the Committee do further report, that it would facilitate the improvement of the township, and it does not appear to this Committee that a grant of these lots to Mr. Felton, as a part of the above-mentioned 5,000 acres, is liable to objection.

(Certified.)

(signed) *Herman W. Ryland.*

(Enclosure 6, in No. 17.)

—(F)—

PRECEDENTS of the Extent of GRANTS to CHILDREN.

Enclosure 6.

Aston, in 1806 :—Susan Finlay, 1,200 acres ; Margaret, 1,200 acres ; Elizabeth, 1,200 acres ; Robert, 1,200 acres ; Charles, 1,200 acres ; George, 1,200 acres.

Kinsey, in 1803 :—Family of Dr. Longmore, six children, 1,200 acres each.

Newport, in 1803 :—Family of Mr. N. Taylor, nine children, 1,200 acres each.

Hull :—Family of P. Wright, in 1806, each 1,200 acres.

Farnham, 1809 :—Family of the Allsops' children, six each, 1,200 acres.

Halifax, W. F. Scott, in 1805 :—Anna Maria Scott, 1,200 acres ; Harriet Sophia, 1,200 acres ; Robert F., 1,200 acres ; Bolton John Scott, 1,200 acres ; Louisa Frances, 1,200 acres ; Salisbury Emma, 1,200 acres.

(Enclosure 7, in No. 17.)

—(H.)—

ATTORNEY-GENERAL'S DRAUGHT of LETTERS PATENT, granting to *William Bowman Felton*, Esq., and others, certain Lots and parts of Lots of Land in the Townships of Ascot, Brompton, Flatley, Orford, Acton, Roxton, Chester and Blandford.

Enclosure 7.

Letters Patent, to be engrossed accordingly, by order of his Excellency the administrator.

Quebec, 18 August 1830.

C. Yorke, Secretary.

Province of Lower Canada.

George the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith.

To all to whom these presents shall come, or whom the same may concern, greeting :

Whereas, upon the petitions of Our loving subjects William Bowman Felton, of Sherbrooke, in the inferior district of St. Francis, in Our district of Three Rivers, in our province of Lower Canada, esquire, and William Locker Pickmore Felton, Eliza Felton, Anne Felton, Charlotte Felton, Fanny Felton, Maria Felton, Matilda Felton, Louisa Felton and Octavia Felton, of the same place ; Benjamin Rexford, Ephraim Wadley, Thomas Wadley, George Robinson, William Robinson, George Hart, Simon Kezar, Daniel Lowell, Simon Bean, Artemas Hitchcock, Abraham Rexford, Miram Rexford, Thomas Moore, Thomas Moshure, Samuel Kezar, Charles Burbank, Alphonso Burbank, John Langmead, George Maunsey, Charles Drummond, Boynton Johnson, Elliot P. Sawyer, Ezra Cole, Samuel Ryder, Samuel Rexford, Oris Turner, Oris Turner the younger, Colby Abbot, William Brown, William Peters, Edward Wadley, Stephen Cod, Thomas M. Abbot, Moses Bacon the younger, Benjamin Wadley,

TO MR. FELTON, IN LOWER CANADA.

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Wadley, Ira Chamberlain, William Chamberlain, Joseph Alger, David Jewit, Luther Rexford, James Brown, Edward Williamson and Joseph Mirick, of the township of Hatley, situated partly in our district of Montreal, and partly in our said district of Three Rivers; Joseph Rousseau, John A. Nichols and Oliver Edwards, of the township of Orford, situated partly in our said district of Montreal and partly in our said district of Three Rivers; Neal Horan, James Horan, Joseph H. Ferril, John M'Cardy, Archibald M'Cardy, William Dodds, James Parks, James Dundern, Nathaniel Kendal, William Johnson, Francis Wilcox, Francis Wilcox the younger, and James Duggan, of the township of Ascot, in our said district of Three Rivers; Pierre Robitaille, Gamelin Goucher, Alphonse Dumont and Louis Bourgeois, of the township of Acton, situated partly in our said district of Montreal and partly in our said district of Three Rivers; Iran Rock Rolland, of the city of Montreal in our said district of Montreal, esquire; Augustin Germain, of the township of Chester, in our said district of Three Rivers; John Stewart, of the city of Quebec, in our district of Quebec, in our said province, esquire, and of Charles Héon, Louis Héon, Charles Thibodeau, Hubert Poirier, and Alexis Le Blanc and Alexis Provancher, of the township of Blandford, in our said district of Three Rivers, it has been judged reasonable and advisable by our administrator of the government of our province of Lower Canada, by and with the advice and consent of our Executive Council of our said province, that we should grant to our said loving subjects hereinbefore named, severally and respectively, and to their respective heirs and assigns, in free and common soccage, certain lots, half lots, tracts and parcels of our waste land hereinafter mentioned and described; upon which lots, half lots, tracts and parcels of land it has been certified to our said administrator of our government, and our said Executive Council, that our said loving subjects hereinbefore named have respectively erected dwelling-houses, and have caused the same to be occupied, and have made or caused to be made the clearing, cultivation and improvement in this behalf required, to entitle them respectively to a grant of the said premises. Now know ye, that We, of our especial grace, certain knowledge and mere motion, for Us, our heirs and successors, have given, granted and confirmed, and by these presents do give, grant and confirm to the said William Bowman Felton, his heirs and assigns, for ever, all those lots, tracts or parcels of land commonly known and distinguished by the names and description of the Lot No. 19 in the second range of lots in the said township of Ascot, containing 200 acres of land, and the usual allowance for highways; Lots numbered 3, 4 and 5, in the third range of lots in the said last-mentioned township, each containing 200 acres of land, and the usual allowance for highways; Lots Nos. 8, 14, 26, 27 and 28, in the fourth range of lots in the same last-mentioned township, each containing 200 acres of land, and the usual allowance for highways; Lot No. 9, in the fifth range of lots in the same last-mentioned township, containing 200 acres of land, and the usual allowance for highways; Lots Nos. 12 and 28, in the sixth range of lots in the same last-mentioned township, each containing 200 acres of land, and the usual allowance for highways; Lots Nos. 9, 16 and 23, in the seventh range of lots, in the same last-mentioned township, containing each 200 acres of land, and the usual allowance for highways; Lot No. 8, in the twelfth range of lots, in the same last-mentioned township, containing 165 acres of land, and the usual allowance for highways; Lots Nos. 4 and 5, in the thirteenth range of lots, in the same last-mentioned township, each containing 200 acres of land, and the usual allowance for highways; Lot No. 6, in the said last-mentioned range of lots, containing 214 acres of land, and the usual allowance for highways; Lot No. 22, in the fourth range of lots, in the township of Brompton, situated partly in the district of Montreal and partly in the district of Three Rivers, containing 272 acres of land, and the usual allowance for highways; Lot No. 28, in the fourth range of lots, in the said township of Hatley, containing 200 acres of land, and the usual allowance for highways; Lot No. 26, in the sixth range of lots, in the same last-mentioned township, containing 248 acres of land, and the usual allowance for highways; Lot No. 28, in the same last-mentioned range of lots, containing 166 acres of land, and the usual allowance for highways; Lot No. 10, in the first range of lots, in the said township of Orford, containing 148 acres of land, and the usual allowance for highways; and Lot No. 8, in the second range of lots, in the same last-mentioned township, containing 200 acres of land, and the usual allowance for highways.

To the said William Locker Pickmore Felton, his heirs and assigns for ever, all those certain lots, tracts, or parcels of land; situated in the said township of Orford, commonly known and distinguished by the names and description of Lots Nos. 16, 17 and 18, in the sixth range of lots in the said township, each containing 200 acres of land, and the usual allowance for highways; Lot No. 19 in the same last-mentioned range of lots, containing 289 acres of land, and the usual allowance for highways; and Lot No. 20 in the same last-mentioned range of lots, containing 246 acres of land, and the usual allowance for highways.

To the said Eliza Felton, her heirs and assigns for ever, all those certain lots, tracts, or parcels of land, situated in the said township of Orford, commonly known and distinguished by the names and descriptions of Lots Nos. 16, 17, 18, 19 and 20, in the seventh range of lots in the said township, each containing 200 acres of land, and the usual allowance for highways; and Lot No. 21 in the same last-mentioned range of lots, containing 267 acres of land, and the usual allowance for highways.

To the said Anne Felton, her heirs and assigns for ever, all those certain lots, tracts or parcels of land, situated in the said township of Orford, commonly known and distinguished by the names and descriptions of Lots Nos. 16, 17, 18, 19 and 20, in the eighth range of lots in the said township, each containing 200 acres of land, and the usual allowance for highways; and Lot No. 21 in the said last-mentioned range of lots, containing 220 acres of land, and the usual allowance for highways.

No. 17.

Despatch from
Lord Aylmer to
Mr. Sec. Stanley,
3 July 1834.

Enclosure 7.

No. 17.

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Lord Aylmer to
Mr. Sec. Stanley,
3 July 1834.

Enclosure 7.

To the said Charlotte Felton, her heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Orford, commonly known and distinguished by the names and descriptions of Lots Nos. 16, 17, 18, 19 and 20, in the ninth range of lots in the said township, each containing 200 acres of land, and the usual allowance for highways; and of Lot No. 21, in the same last-mentioned range of lots, containing 195 acres of land, and the usual allowance for highways.

To the said Fanny Felton, her heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Orford, commonly known and distinguished by the name and description of Lot No. 22, in the said ninth range of lots in the said township, containing 172 acres of land, and the usual allowance for highways; of Lot No. 23 in the same last-mentioned range of lots, containing 173 acres of land, and the usual allowance for highways; of Lot No. 24 in the said last-mentioned range of lots, containing 188 acres of land, and the usual allowance for highways; and Lot No. 25 in the same last-mentioned range of lots, containing 223 acres of land, and the usual allowance for highways; of Lot No. 26, in the same last-mentioned range of lots, containing 255 acres of land, and the usual allowance for highways; and of Lot No. 27, in the same last-mentioned range of lots, containing 250 acres of land, and the usual allowance for highways.

To the said Maria Felton, her heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Orford, commonly known and distinguished by the names and descriptions of Lots Nos. 16, 17, 18, 19, 20 and 21, in the seventeenth range of lots in the same last-mentioned township, each containing 200 acres of land, and the usual allowance for highways.

To the said Matilda Felton, her heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Orford, commonly known and distinguished by the names and descriptions of Lots Nos. 22, 23, 24, 25 and 26, in the said seventeenth range of lots in the said township, each containing 200 acres of land, and the usual allowance for highways; and of Lot No. 27, in the same last-mentioned range of lots, containing 182 acres of land, and the usual allowance for highways.

To the said Louisa Felton, her heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Orford, commonly known and distinguished by the name and description of Lot No. 16, in the eighteenth range of lots in the said township, containing 220 acres of land, and the usual allowance for highways; and of Lots Nos. 17, 18, 19, 20 and 21, in the said last-mentioned eighteenth range of lots, each containing 200 acres of land, and the usual allowance for highways.

To the said Octavia Felton, her heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Orford, commonly known and distinguished by the names and descriptions of Lots Nos. 22, 23, 24, 25 and 26, in the said eighteenth range of lots in the said township, each containing 200 acres of land, and the usual allowance for highways; and of Lot No. 27, in the same last-mentioned range of lots, containing 182 acres of land, and the usual allowance for highways.

To the said Benjamin Rexford, his heirs and assigns for ever, all that certain half lot, tract or parcel of land, situated in the said township of Hatley, commonly known and distinguished by the name and description of the West-half of Lot No. 6, in the fourteenth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Ephraim Wadley, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 8, in the ninth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Thomas Wadley, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of Lot No. 8, in the said ninth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said George Robinson, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 9, in the said ninth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said William Robinson, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 10, in the said ninth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said George Hart, his heirs and assigns for ever, all that half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of Lot No. 10, in the said ninth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Simon Kazar, his heirs and assigns for ever, all that certain lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of Lot No. 26, in the second range of lots in the said township, containing 200 acres of land, and the usual allowance for highways.

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To the said Daniel Lowell, his heirs and assigns for ever, all that certain half lot, tract or parcel of land, situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 9, in the tenth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

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To the said Simon Bean, his heirs and assigns for ever, all that certain lot, tract or parcel of land, situated in the said township of Hatley, commonly known and distinguished by the name and description of Lot No. 28, in the first range of lots in the said township, containing 200 acres of land, and the usual allowance for highways.

Enclosure 7.

To the said Artemas Hitchcock, his heirs and assigns for ever, all that certain half lot, tract or parcel of land, situated in the said township of Hatley, commonly known and distinguished by the name and description of the West-half of Lot No. 9, in the eighth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Abraham Rexford, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of Lot No. 9, in the seventh range of lots, in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Miram Rexford, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of the said Lot No. 9, in the tenth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Thomas Moore, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 8, in the said tenth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Thomas Moshure, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of the said Lot No. 9, in the seventh range or lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Samuel Kezar, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of Lot No. 9, in the sixth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Charles Burbank, his heirs and assigns, for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 2, in the fifth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Alphonso Burbank, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of the said Lot No. 2, in the fifth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said John Langmead, his heirs and assigns for ever, all that certain lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of Lot No. 2, in the seventh range of lots in the said township, containing 200 acres of land, and the usual allowance for highways.

To the said George Maunsey, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of Lot No. 9, in the ninth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Charles Drummond, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 19, in the said sixth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Boynton Johnson, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of lot No. 9, in the said fourteenth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Elliot P. Sawyer, his heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Hatley, commonly known and distinguished by the name and description of Lot No. 22, in the said seventh range of lots in the said township, containing 135 acres of land, and the usual allowance for highways; and Lot No. 23, in the said last-mentioned range of lots, containing 126 acres of land, and the usual allowance for highways.

To the said Ezra Cole, his heirs and assigns for ever, all that certain lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the

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name and description of Lot No. 21, in the said seventh range of lots in the said township, containing 150 acres of land, and the usual allowance for highways.

To the said Samuel Ryder, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of Lot No. 14, in the ninth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Samuel Rexford, his heirs and assigns for ever, all that certain lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of Lot N. 7, in the sixteenth range of lots in the said township, containing 69 acres of land, and the usual allowance for highways.

To the said Oris Turner, his heirs and assigns for ever, all that certain lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of Lot No. 14, in the eighth range of lots in the said township, containing 200 acres of land, and the usual allowance for highways.

To the said Oris Turner the younger, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 12, in the said eighth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Colby Abbot, his heirs and assigns for ever, all that certain lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of Lot No. 17, in the said seventh range of lots in the said township, containing 200 acres of land, and the usual allowance for highways.

To the said William Brown, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the north half of Lot No. 3, in the third range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said William Peters, his heirs and assigns for ever, all that certain lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the south half of the said Lot No. 3, in the third range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Edward Wadley, his heirs and assigns for ever, all that certain lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of Lot No. 7, in the said fifth range of lots in the said township, containing 53 acres of land, and the usual allowance for highways.

To the said Stephen Call, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the same township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 14, in the said ninth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Thomas M. Abbot, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 23, in the said fifth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Moses Bacon the younger, his heirs and assigns for ever, all that certain half lot, tract or parcel of land, situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 5, in the sixth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Benjamin Wadley, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of Lot No. 23, in the said fifth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Ira Chamberlain, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of Lot No. 13, in the said ninth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said William Chamberlain, his heirs and assigns for ever, all that certain lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of Lot No. 14, in the said fourteenth range of lots in the said township, containing 124 acres of land, and the usual allowance for highways.

To the said Joseph Alger, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of Lot No. 10, in the said eighth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said David Jewit, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of Lot No. 14, in the said seventh range

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of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Luther Rexford, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 9, in the said fourteenth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said James Brown, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 19, in the said seventh range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Edward Williamson, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the east half of Lot No. 19, in the said seventh range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Joseph Mirick, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Hatley, commonly known and distinguished by the name and description of the west half of Lot No. 16, in the said eighth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Joseph Rousseau, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Orford, commonly known and distinguished by the name and description of the north-east half of Lot No. 17, in the fifth range of lots in the said township, containing 93 acres of land, and the usual allowance for highways.

To the said John A. Nichols, his heirs and assigns for ever, all that certain half lot, tract or parcel of land, situated in the said township of Orford, commonly known and distinguished by the name and description of the east half of Lot No. 10, in the third range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Oliver Edwards, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Orford, commonly known and distinguished by the name and description of the west half of Lot No. 10, in the said third range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Neal Horan, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of the east half of Lot No. 14, in the eighth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said James Horan, his heirs and assigns, for ever, all that certain half lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of the west half of the said Lot No. 14, in the eighth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Joseph H. Terril, his heirs and assigns for ever, all that certain lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of Lot No. 2, in the said eighth range of lots in the said township, containing 75 acres of land, and the usual allowance for highways.

To the said John M'Curdy, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of the east half of Lot No. 2, in the fifth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Archibald M'Curdy, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of the west half of the said Lot No. 2, in the fifth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said William Dodds, his heirs and assigns for ever, all that certain lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of Lot No. 11, in the eleventh range of lots in the said township, containing 124 acres of land, and the usual allowance for highways.

To the said James Parks, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of the east half of Lot No. 15, in the ninth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said James Dundern, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of the west half of the said Lot No. 15, in the ninth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Nathaniel Kendal, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of the east half of Lot No. 7, in said eighth range

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No. 17.

Despatch from
Lord Aylmer to
Mr. Sec. Stanley,
3 July 1834.

Enclosure 7.

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3 July 1834.

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of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said William Johnson, his heirs and assigns for ever, all that certain half lot tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of the west half of the said Lot No. 7, in the eighth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said François Wilcox, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of the east half of Lot No. 2, in the seventh range of lots, in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said François Wilcox the younger, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of the west half of the said Lot No. 2, in the seventh range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said James Duggan, his heirs and assigns for ever, all that certain half lot, tract or parcel of land situated in the said township of Ascot, commonly known and distinguished by the name and description of the west half of Lot No. 7, in the fourth range of lots in the said township, containing 100 acres of land, and the usual allowance for highways.

To the said Pierre Robitaille, his heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Acton, commonly known and distinguished by the name and description of Lots Nos. 42 and 43, in the seventh range of lots in the said township of Acton, each containing 200 acres of land, and the usual allowances for highways; and of Lots Nos. 41, 42 and 43, in the eighth range of lots in the same last-mentioned township, each containing 200 acres of land, and the usual allowance for highways.

To the said Gamelin Goucher, his heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Acton, commonly known and distinguished by the names and description of Lots Nos. 38 and 40, in the fifth range of lots in the said township, each containing 200 acres of land, and the usual allowance for highways; and of Lots Nos. 39 and 40, in the sixth range of lots in the same last-mentioned township, each containing 200 acres of land, and the usual allowance for highways.

To the said Alphonso Dumont, his heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Acton, commonly known and distinguished by the name and description of Lot No. 41, in the fifth range of lots in the said township, containing 200 acres of land, and the usual allowance for highways; of Lots Nos. 43 and 44, in the sixth range of lots in the same last-mentioned township, each containing 200 acres of land, and the usual allowance for highways; and of Lot No. 44, in the seventh range of lots in the same last-mentioned township, containing 200 acres of land, and the usual allowance for highways.

To the said Louis Bourgeois, his heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Acton, commonly known and distinguished by the names and description of Lots Nos. 30 and 31, in the said fifth range of lots in the said township, each containing 200 acres of land, and the usual allowance for highways; and of Lots Nos. 30 and 31, in the sixth range of lots in the said township, each containing 200 acres of land, and the usual allowance for highways.

To the said Iran Rock Rolland, his heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the township of Roxton, in our said district of Montreal, commonly known and distinguished by the names and description of Lots Nos. 5, 6, 7, 8, 9, 10, 11 and 12, in the eleventh range of lots in the said township, each containing 200 acres of land, and the usual allowance for highways.

To the said Augustine Germain, his heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Chester, commonly known and distinguished by the names and descriptions of the irregular Lot No. 9, in the sixth range of lots in the said township, bounded on the north-east by Lot No. 9, in the fifth range of lots, on the south-west partly by Lot No. 8, hereinafter next described, and partly by the east side line of Lot No. 14, in the Craig's-road range south, on the south-east by Lot No. 8, in the said sixth range of lots, and on the north-west by Lot No. 10, in the same last-mentioned range of lots, containing about 198 acres of land, and the usual allowance for highways; of the irregular Lot No. 8, in the seventh range of lots in the same last-mentioned township, bounded on the north-east partly by Lot No. 8 and partly by Lot No. 9, in the said sixth range of lots, on the south-west partly by Lot No. 8 and partly by Lot No. 9, in the eighth range of lots in the same township, on the north-west by the south ends of Lots Nos. 13 and 14, in the Craig's-road range of lots south, and also partly by the east outline of the said Lot No. 14, coming to a point on the same at its intersection with the range line between the sixth and seventh ranges, containing about 136 acres of land, and the usual allowance for highways; and of the north-west half of Lot No. 7, in the seventh range of lots in the same last-mentioned township, adjoining the said lastly-described lot on the south-east, containing about 105 acres of land, and the usual allowance for highways.

And to the said John Stewart, his heirs and assigns, for ever, all those certain lots, tracts or parcels of land situated in the said township of Chester, commonly known and distinguished by the names and descriptions of Lots Nos. 9, 10, 11, 13 and 14, in the Craig's-road

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road range of lots north, in the said township, each containing 200 acres of land, and the usual allowance for highways; and Lot No. 14, in the Craig's-road range of lots south, in the said township, also containing 200 acres of land, and the usual allowance for highways.

To have and to hold the said several lots, half lots, tracts or parcels of lands, lands, tenements and premises hereinbefore given, granted and confirmed to our said several grantees hereinbefore named severally and respectively of us, our heirs and successors, unto and to the use of each of them our said grantees severally, separately and respectively, and unto and to the use of the heirs of each of them our said grantees severally, separately and respectively, in pursuance of and according to the separate grants hereinbefore made to them respectively, in free and common soccage by fealty, in like manner as lands are now holden in free and common soccage in that part of Great Britain called England: And know ye further, that we, of our especial grace, certain knowledge and mere motion, for us, our heirs and successors, have given, granted and confirmed, and by these presents do give, grant and confirm to the said Charles Héon, Louis Héon, Charles Thibodeau, Herbert Poirier and Alexis Leblanc the younger, and Alexis Provancher, their heirs and assigns for ever, all those certain lots, tracts or parcels of land situated in the said township of Blandford, commonly known and distinguished by the names and description of Lot marked (C.) in the tenth range of lots in the said township, bounded south-easterly by the river Beçancour, north-westerly by a road of 50 links in width between this lot and the Lot No. 29 in the third range of lots, south-westerly by the Lot marked (D.), and north-easterly by Lot No. 1 in the said tenth range of lots, containing about 62 acres of land, and the usual allowance for highways; of Lot marked (D.) in the tenth range of lots in the said last-mentioned township, bounded south-easterly by the river Beçancour, north-westerly by a road of 50 links wide between the said lot and Lot No. 29 in the third range of lots, south-westerly by the Lot marked (E.), and north-easterly by the last-described Lot marked (C.), containing about 73 acres of land, and the usual allowance for highways; of Lot marked (E.) in the said tenth range of lots in the said township, bounded south-easterly by the river Beçancour, north-westerly by a road of 50 links between this lot and Lot No. 29 in the fourth range of lots, south-westerly by the Lot marked (F.), north-westerly by the said Lot marked (D.), containing about 83 acres of land, and the usual allowance for highways; and of Lot marked (F.) in the said tenth range of lots in the said township, bounded south-easterly and south-westerly by the river Beçancour, north-westerly by a road of 50 links wide between this lot and Lot No. 29 in the fourth range of lots, and north-westerly by the Lot marked (E.) above described, containing about 67 acres of land, and the usual allowance for highways; To have and to hold the said last-mentioned lots, tracts or parcels of land of us, our heirs and successors, unto and to the use of the said Charles Héon, Louis Héon, Charles Thibodeau, Herbert Poirier and Alexis Leblanc and Alexis Provancher, their heirs and assigns for ever, as tenants in common, and not as joint tenants in free and common soccage, but fealty only, in like manner as lands are now holden in free and common soccage in that part of Great Britain called England.

Provided always, that these our grants hereinbefore contained are made on the express condition that no part of the said lots, half lots, tracts or parcels of land and premises be within any reservation heretofore made and marked out, for us, our heirs and successors, by our surveyor-general of our woods, or his lawful deputy, and of any part thereof, upon a survey being made, be found within any such reservation, that then our grant for such part be null and void, and of no effect, anything herein contained to the contrary thereof notwithstanding. And for a specification of the land by us reserved, allotted and appropriated for the maintenance and support of a Protestant clergy within our said province; know ye, further, that according to the statute in such case made and provided, we have saved and reserved, and hereby do expressly save and reserve to us, our heirs and successors, and do allot and appropriate for the maintenance and support of a Protestant clergy within our said province, all those certain lots, parts of lots, tracts or parcels of land hereinafter mentioned and described; that is to say, Lot No. 11 in the fourth range of lots in the said township of Ascot, containing 200 acres of land, and the usual allowance of highways; Lot No. 15 in the second range of lots, in the same last-mentioned township, containing 200 acres of land, and the usual allowance for highways; Lot No. 13, in the third range of lots, in the same last-mentioned township, containing 200 acres of land, and the usual allowance for highways; and 156 acres of land with the same allowance, making part and parcel of the east end of Lot No. 8, in the said second range of lots in the said last-mentioned township; 120 acres of land, with the usual allowance for highways, making part and parcel of the east end of Lot No. 20, in the seventh range of lots in the said township of Hatley; 70 acres of land, with the usual allowance for highways, making part and parcel of the west end of Lot No. 1, in the ninth range of lots in the said township of Oxford; and 54 acres of land, with the same allowance, making other part and parcel of the same last-mentioned lot; the westerly one-fifth part of the west half of Lot No. 5, in the fourteenth range of lots in the said township of Hatley, containing 20 acres of land, and the usual allowance for highways; 20 acres of land, with the usual allowance for highways, making part and parcel of the west half of Lot No. 5, in the fourteenth range of lots in the same last-mentioned township; and 20 acres of land, with the same allowance, making part and parcel of the west half of the same last-mentioned lot; 20 acres of land, with the same allowance, making part and parcel of the same last-mentioned half lot; 20 acres of land, with the same allowance, making part and parcel of the same last-mentioned half lot; 20 acres of land, with the same allowance for highways, making part and parcel of the east half of the said Lot No. 5, in the fourteenth range of lots in the said township of Hatley; 40 acres of land,

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with the usual allowance for highways, making part and parcel of the same last-mentioned half lot; 20 acres of land, with the usual allowance for highways, making part and parcel of the same last-mentioned half lot; and also 40 acres of land, and the usual allowance for highways, making part of the west half of Lot No. 5, in the twelfth range of lots in the same last-mentioned township; 40 acres of land, with the usual allowance for highways, making part and parcel of the west half of the said Lot No. 5, in the twelfth range of lots in the same last-mentioned township; 40 acres of land, with the usual allowance for highways, making part and parcel of the same last-mentioned half lot; 20 acres of land, with the usual allowance for highways, making part and parcel of the said Lot No. 5, in the twelfth range of lots in the same last-mentioned township; 80 acres of land, with the usual allowance for highways, making part and parcel of the east half of the same last-mentioned lot; 20 acres of land, with the usual allowance for highways, making part and parcel of the west half of Lot No. 7, in the eleventh range of lots in the same last-mentioned township, and 80 acres of land, with the usual allowance for highways, making part and parcel of the same last-mentioned half lot; 20 acres of land, with the usual allowance for highways, making part and parcel of the east half of the said Lot No. 7, in the eleventh range of lots in the same last-mentioned township; five acres of land, with the usual allowance for highways, making part and parcel of the said Lot No. 5, in the twelfth range of lots in the same last-mentioned township, and 20 acres of land, with the same allowance, making part and parcel of the east half of Lot No. 7, in the eleventh range of lots in the same last-mentioned township; five acres of land, with the usual allowance for highways, making part and parcel of the east half of the said Lot No. 5, in the twelfth range of lots in the same last-mentioned township, and 20 acres of land, with the same allowance, making part and parcel of the said east half of Lot No. 7, in the eleventh range of lots in the said last-mentioned township; 30 acres of land, with the usual allowance for highways, making part and parcel of the same last-mentioned half lot; 10 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot, and 10 acres of land, with the same allowance, making part and parcel of the west end of the west half of Lot No. 12, in the twelfth range of lots in the same last-mentioned township; 15 acres of land, with the usual allowance for highways, making part and parcel of the same last-mentioned half lot; 60 acres of land, with the usual allowance for highways, making part and parcel of the same last-mentioned half lot; 40 acres of land, with the usual allowance for highways, making part and parcel of the said Lot No. 12, in the twelfth range of lots, in the said last-mentioned township; 20 acres of land, with the usual allowance for highways, making part and parcel of the east half of the said last-mentioned lot; 30 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned lot; 30 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned lot; and 10 acres of land, with the same allowance, making part and parcel of the west end of Lot No. 14, in the eleventh range of lots in the same last-mentioned township: 85 acres of land, with the usual allowance for highways, making part and parcel of the west half of the said last-mentioned lot; 20 acres of land, with the usual allowance for highways, making part and parcel of the east half of the said last-mentioned lot; and 80 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot; 20 acres of land, with the usual allowance for highways, making part and parcel of the west end of Lot No. 10, in the tenth range of lots, in the same last-mentioned township; 18 acres of land, with the usual allowance for highways, making part and parcel of the east half of Lot No. 1, in the ninth range of lots, in the said township of Orford, and 40 acres of land, with the usual allowance for highways, making part and parcel of the same last-mentioned half lot; 20 acres of land, with the usual allowance for highways, making part and parcel of the west half of Lot No. 27, in the seventh range of lots, in the said township of Ascot, and 80 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot: 20 acres of land, with the usual allowance for highways, making part and parcel of the east half of the said last-mentioned lot, and 80 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot; 60 acres of land, with the usual allowance for highways, making part and parcel of the west half of Lot No. 27, in the twelfth range of lots in the same last-mentioned township; Lot No. 36, in the seventh range of lots, in the said township of Acton, containing 200 acres of land, and the usual allowance for highways; Lot No. 36, in the ninth range of lots, in the said last-mentioned township, containing 200 acres of land, and the usual allowance for highways; Lot No. 31, in the tenth range of lots, in the said last-mentioned township, containing 200 acres of land, and the usual allowance for highways; and 80 acres of land, with the same allowance, making part and parcel of the south end of Lot No. 38, in the said tenth range of lots, in the same last-mentioned township; Lot No. 13, in the ninth range of lots, in the said township of Roxton, containing 200 acres of land, and the usual allowance for highways; and 120 acres of land, with the same allowance, making part and parcel of Lot No. 16, in the same last-mentioned range of lots; the south-west half of Lot No. 8, in the sixth range of lots, in the said township of Chester, containing 100 acres of land, and the usual allowance for highways; Lot No. 8, in the Craig's-road range of lots, north, in the said last-mentioned township, containing 180 acres of land, and the usual allowance for highways; and 50 acres of land, with the same allowance, making part and parcel of the south end of Lot No. 12, in the said Craig's-road range of lots, south, and 10 acres of land, with the same allowance, making part and parcel of the north half of Lot No. 8, in the sixth range of lots, in the same last-mentioned township; and 57 acres of land, with the usual allowance for highways, making part and parcel of the north-west end of Lot No. 2, in the

sixth

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sixth range of lots, in the township of Maddington, in the said district of Three Rivers. The whole quantity of land, so reserved, allotted and appropriated, being, as nearly as circumstances and the nature of the case will admit, of the like quality as the land hereinbefore granted, in respect of which the same is so allotted and appropriated, and, as nearly as can be estimated, equal in value to one-seventh part of the land hereinbefore granted. And know ye further, that we have saved and reserved, and hereby do expressly save and reserve to us, our heirs and successors, for our future *disposition*, all those certain lots, parts of lots, tracts and parcels of land hereinafter described; that is to say, Lots Nos. 17, 18 & 19, in the eleventh range of lots, in the said township of Orford, each containing 200 acres of land, and the usual allowance for highways; and 156 acres of land, with the same allowance, making part and parcel of the east end of Lot No. 17, in the twelfth range of lots, in the same last-mentioned township; Lot No. 23, in the seventh range of lots, in the said township of Hatley, containing 120 acres of land, and the usual allowance for highways; 70 acres of land, with the usual allowance for highways, making part and parcel of the west end of Lot, No. 20, in the tenth range of lots, in the said township of Orford, and 54 acres of land, with the same allowance, making part and parcel of Lot No. 20, in the tenth range of lots, in the same township; the westerly one-fifth part of the west half of Lot No. 8, in the twelfth range of lots, in the said township of Hatley, containing 20 acres of land, and the usual allowance for highways; 80 acres of land, with the usual allowance for highways, making part and parcel of the west half of the said Lot No. 8, in the twelfth range of lots, in the same last-mentioned township; 20 acres of land, with the usual allowance for highways, making part and parcel of the east half of the said last-mentioned lot; and 80 acres of land, with the same allowance, making part and parcel of the said last-mentioned half lot; 20 acres of land, with the usual allowance for highways, making part and parcel of the west end of the west half of Lot No. 11, in the eleventh range of lots in the same last-mentioned township, and 80 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot; 20 acres of land, with the usual allowance for highways, making part and parcel of the east half of the said last-mentioned lot; and 80 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot; 20 acres of land, with the usual allowance for highways, making part and parcel of the west half of Lot No. 13, in the tenth range of lots in the said last-mentioned township; and 80 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot; five acres of land, with the usual allowance for highways, making part and parcel of the east half of the said last-mentioned lot; and 90 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot; 40 acres of land, with the usual allowance for highways, making part and parcel of Lot No. 6, in the tenth range of lots in the same last-mentioned township; 60 acres of land, with the usual allowance for highways, making part and parcel of the west half of the said last-mentioned lot, and 90 acres of land, with the usual allowance for highways, making part and parcel of the east half of the same last-mentioned lot; 20 acres of land, with the usual allowance for highways, making part and parcel of the west half of Lot No. 15, in the ninth range of lots in the same last-mentioned township; 60 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot; five acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot; five acres of land, with the usual allowance for highways, making part and parcel of the east end of Lot No. 13, in the tenth range of lots in the said last-mentioned township; 20 acres of land, with the usual allowance for highways, making part and parcel of the said west half of Lot No. 15, in the ninth range of lots in the said last-mentioned township; 20 acres of land, with the usual allowance for highways, making part and parcel of the east half of the said Lot No. 15, in the ninth range of lots, in the said last-mentioned township; 60 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot; and 20 acres of land, with the usual allowance for highways, making part and parcel of the east end of the said last-mentioned lot; 58 acres of land, with the usual allowance for highways, making part and parcel of the west half of Lot No. 22, in the ninth range of lots in the said township of Orford; 20 acres of land, with the usual allowance for highways, making part and parcel of the east half of Lot No. 17, in the ninth range of lots, in the said last-mentioned township; and 80 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot; 20 acres of land, with the usual allowance for highways, making part and parcel of the west half of the said Lot No. 17, in the ninth range of lots in the said last-mentioned township; and 80 acres of land, with the usual allowance for highways, making part and parcel of the said last-mentioned half lot; 60 acres of land, with the usual allowance for highways, making part and parcel of the east half of Lot No. 20, in the tenth range of lots in the said last-mentioned township; Lot No. 30, in the seventh range of lots in the said township of Acton, containing 200 acres of land, and the usual allowance for highways; Lot No. 33, in the ninth range of lots, in the said last-mentioned township, containing 200 acres of land, and the usual allowance for highways; Lot No. 42, in the tenth range of lots in the said last-mentioned township, containing 200 acres of land, and the usual allowance for highways; and 80 acres of land, with the same allowance, making part and parcel of the south end of Lot No. 35, in the said tenth range of lots in the said last-mentioned township; Lot No. 20, in the ninth range of lots, in the said township of Roxton, containing 200 acres of land, and the usual allowance for highways; the east half of Lot No. 19, in the said last-mentioned range of lots, containing 100 acres of land, and the usual allowance for highways; and 20 acres of land, with the same allowance, making part and parcel of the north end of Lot No. 21, in the same

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Lord Aylmer to
Mr. Sec. Stanley,
3 July 1834.

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No. 17.
Despatch from
Lord Aylmer to
Mr. Sec. Stanley,
3 July 1834

Enclosure 7.

last-mentioned range of lots; the south-west half of Lot No. 2, in the seventh range of lots, in the said township of Chester, containing 100 acres of land, and the usual allowance for highways; Lot No. 12, in the Craig's-road range of lots north, in the said last-mentioned township, containing 200 acres of land, and the usual allowance for highways; and 40 acres of land, with the same allowance, making part and parcel of the south end of Lot No. 8, in the Craig's-road range of lots south, in the said last-mentioned township; and 57 acres of land, with the usual allowance for highways, making part and parcel of Lot No. 1, in the sixth range of lots, in the said township of Maddington: And the whole quantity of land so reserved as last aforesaid, being, as nearly as circumstances and the nature of the case will admit, of the like quality as the land hereinbefore granted, in respect of which the same is so reserved, and, as nearly as can be estimated, equal in value to one-seventh part of the land hereinbefore granted. Provided always, and these Our Royal Letters are upon this express condition, that if our said grantees respectively, their respective heirs and assigns, shall not within one year next after the date thereof settle on the premises hereby granted to them respectively, so many families as shall amount to one family for every 1,200 acres hereby granted to our said grantees respectively; or if he or they respectively shall not within three years, to be computed as aforesaid, plant and effectually cultivate at least two acres for every 100 acres of such of the hereby-granted premises as are capable of cultivation, and shall not also within seven years, to be computed as aforesaid, plant and effectually cultivate at least seven acres for every 100 acres of such of the premises hereby granted to him or them respectively as are capable of cultivation, then and in every of these cases the grants hereinbefore made to our grantee and grantees making default as aforesaid in the premises, or any of them, and everything therein contained shall cease and be absolutely void, and the lands hereby granted, in respect of which such settlement and cultivation, or such cultivation as aforesaid, shall not be made, shall revert and escheat to us, our heirs and successors, and shall thereupon become the absolute and entire property of us or them, in the same manner as if our said last-mentioned grants had never been made, anything hereinbefore contained to the contrary or anywise notwithstanding; provided also, and we do hereby expressly reserve to us, our heirs and successors, all mines of gold and silver which now are or shall be found upon the aforesaid lots, parts of lots, tracts and parcels of land and premises hereby granted, or any part thereof, so that the said mines, and each of them, shall belong to us, our heirs and successors, in all full and ample manner as if the present grants had never been made; and we do hereby expressly reserve to us, our heirs and successors, full power, right and authority to make and use all such roads, ways and passages over the said lots, parts of lots, tracts and parcels of land and premises hereby granted, or any part thereof, and also to take, stop, divert and use all such rivers, streams, ponds and bodies of water as shall by us or them be judged necessary or convenient for working or improving the said mines, or any of them; and provided further, if any mine or mines of gold or silver shall be found on the said lots, parts of lots, tracts and parcels of land and premises hereby granted, our said grantee, his heirs or assigns possessing such land, or any part of the same, shall within the space of six months after the discovery of such mine or mines, give notice of the discovery thereof to our Governor, Lieutenant-governor or person administering the government of our said provinces for the time being, and if he, she or they shall make default therein, the present grant of the said land, at the end of the said six months next ensuing after such discovery, shall become void, and the said land hereby granted shall revert and escheat to us, our heirs and successors, in the same manner as if the present grants had never been made, anything herein contained to the contrary in anywise notwithstanding; and we do hereby expressly reserve to us, our heirs and successors, a right of making any number of public roads or highways, of a breadth not exceeding 100 feet, through any part of the said lots, parts of lots, tracts and parcels of land and premises hereby granted, except such parts whereon any dwelling-house or other houses or buildings shall be erected; and we do hereby also expressly reserve to us, our heirs and successors, full power, right and authority to erect and build any forts or fortresses, or to make any other works of military defence on any part of the said lots, parts of lots, tracts and parcels of land and premises hereby granted, that may by us, our heirs and successors, be deemed necessary for the peace and safety of our said provinces, whenever we or they shall signify it to be our or their pleasure so to do, by an order given by us or them, in our or their Privy Council in Great Britain, or whenever it shall be judged advisable or expedient so to do by our Governor, Lieutenant-governor or person administering the government of our said province, by and with the advice and consent of our Executive Council of our said province; and we do hereby direct and appoint, that within six months from the day of the date of these presents, a copy of these our letters patent shall be registered in our Register's-office in our city of Quebec, in our said province of Lower Canada, and that a docket thereof shall also be entered in our Auditor's-office in our said city of Quebec, and that in default thereof, the said lots, parts of lots, tracts and parcels of land and premises hereby granted, shall revert and escheat to us, our heirs and successors, and become the absolute property of us or them, in the same manner as if the present grants had never been made, anything herein contained to the contrary in anywise notwithstanding.

In Testimony, &c. &c.

Witness, &c. &c.

25 May 1830.

This is my Draught,

(signed) J. Stuart, Attorney-general.

TO MR. FELTON, IN LOWER CANADA.

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Enclosure 8, in No. 17.

STATEMENTS of GRANTS of CROWN LANDS made to the Hon. Mr. Felton and his Family, by Letters Patent under the Great Seal of the Province, as required by Lieut.-colonel Craig's Letter of the 30th instant, for the information of his Excellency the Governor-in-Chief.

	Date of Patent.	Number of Acres in each Grant.	By whom Ordered to be made out.	Authority under which Grant was Conferred.
A grant of land was made, under Letters Patent, to the Hon. Mr. Felton.	29 Sept. 1816	2,000	Sir J. C. Sherbrooke -	- - There is nothing in this office to show that this grant was made upon any other authority than that of the Governor and Executive Council.
Ditto - - - -	1 July 1818	3,000	Sir J. C. Sherbrooke -	- - Ditto.
Ditto - - - -	31 May 1824	5,200	Lord Dalhousie -	- - Ditto.
Ditto - - - -	20 Nov. 1830	5,013	Sir James Kempt -	- - These grants appear, from a list of lands petitioned for by Mr. Felton, and deposited with the draught of the patent in this office, to have been ordered in Lord Bathurst's Despatch of 3 July 1826.
Ditto to nine children of Mr. Felton.	- - - -	10,862	Sir James Kempt -	
Ditto to Mr. Felton -	24 May 1831	600	Lord Aylmer - -	- - This grant appears to have been made to Mr. Felton, as late Purser of the Royal Navy.
TOTAL - -		26,675		

Secretary's-office, }
Quebec, 4 June 1834. }

(signed) D. Daly,
Secy and Regr.

Enclosure 9, in No. 17.

LETTER from the Secretary of the Provinces to the Civil Secretary.

Sir,

Secretary's Office, Quebec, 11th June 1834.

Enclosure 9.

In reply to your letter of yesterday, inclosing a statement received from the Secretary of State, by his Excellency the Governor-in-chief, together with one which I had recently furnished for the information of his Excellency, regarding the grants that have been made to the Hon. Mr. Felton and his family, I have the honour to state, that I can in no way explain the discrepancy between these two statements, except in the omission in the former statement of the name of one of Mr. Felton's children, to whom 1,220 acres were granted, and the fact that all general statements of lands granted are taken from the docket books of this office, in which the numbers of lots only are inserted (each lot as containing about 200 acres).

In the preparation of the last-mentioned statement, which is in every minute particular correct, the exact number of acres has been taken from the original letters patent. Any inaccuracy in the statement transmitted to his Excellency by the Secretary of State, can only be attributable to clerical errors, which may have arisen either in the preparation or copying of the original statement.

With reference to the authority by which I was directed to make out a grant of 1,200 acres of land to each of Mr. Felton's children, I have the honour to state, for his Excellency's information, that a draught of letters patent was prepared by the late Attorney-general, and transmitted to me by Colonel Yorke, granting all the lands, more particularly described in a list (copy of which I have the honour to inclose), to Mr. Felton and his family, with, as in all cases, the following order affixed to it :

" Letters patent to be engrossed accordingly. By order of his Excellency the Administrator. Quebec, 18th August 1830. (signed) C. Yorke, Secretary."

This draught and order not having reached my office in time to have the letters patent completed prior to the departure of Sir James Kempt, they were prepared and perfected by his Excellency the Governor-in-chief, in the usual course, with others similarly situated.

The draught, as above described, was sent to this office, unaccompanied by any documents connected with it ; and it was not until after the letters patent had been for a considerable time completed, that the list above alluded to, and an extract of a Report of the Executive Council (copy of which I have also the honour to inclose) were sent, with a parcel of other papers connected with grants of land, to this office, from that of the Civil Secretary, having, as I understood, been sent there by the late Attorney-general, after his suspension from office.

In conclusion, I have the honour to state, that the preparation of the letters patent in question was proceeded with by me in the usual way, in obedience to the commands of Sir James Kempt, as conveyed by his Civil Secretary, upon the back of the draught prepared and signed by the late Attorney-general.

I have, &c.
(signed) D. Daly, Secretary.

28 CORRESPONDENCE RESPECTING GRANTS OF LAND

No. 17.

Enclosure 10, in No. 17.

Despatch from
Lord Aylmer to
Mr. Sec. Stanley,
3 July 1834.

Enclosure 10.

EXTRACT of a REPORT made by a Committee of the whole Council, dated 4 November 1830, and approved by his Excellency the Governor-in-Chief in Council, 7 December 1830, on the petition of *W. B. Felton*, Esq., praying that, as late Purser in the Royal Navy, he may obtain a Grant of the Clergy Reserves, Lots No. 12, in the ninth range, No. 10, in the tenth range, and No. 11, in the seventh range of the Township of Ascot, in exchange for Lands of equal value formerly granted to him in the Township of Ham.

THE committee having perused the letter of the Lord Bishop of Quebec, of the 30th May last, wherein his Lordship expresses the acquiescence of the clergy corporation in the proposed arrangement of an exchange of the Clergy Reserves, being Lots No. 12 in the ninth range, and No. 10 in the tenth range of the township of Ascot, for lands of equal value, they humbly recommend that the petitioner obtain a grant of these lots, and that two lots in the township of Ham be laid out as an equivalent for the clergy as to No. 7 in the eleventh range of the township of Ascot, and No. 19 in the second range of Hatley; inasmuch as it appears that these lots are still undisposed of, the committee humbly advise that the same be granted to the petitioner.

(Certified.)

George H. Ryland.

— No. 18. —

COPY of a DESPATCH from Mr. Secretary *Spring Rice* to Lord *Aylmer*.

(Confidential.)

My Lord,

Downing-street, 29th October 1834.

No. 18.
Despatch from
Mr. Sec. S. Rice
to Lord Aylmer,
29 October 1834.

I HAVE had the honour to receive your Lordship's despatch, No. 58, of the 3d July last, accompanied by the explanation, which my predecessor directed you to require, from Mr. Felton, respecting certain grants of Crown lands to himself and his children, that had been found considerably to exceed the amount of any grants sanctioned by His Majesty's Government. The facts of the case, as they appear from the various documents appended to your Lordship's communication, may be stated as follows :

In the year 1826, Mr. Felton, being already in possession of grants of land to the extent of more than 10,000 acres, applied to Lord Bathurst for an additional grant, and requested that it might be accompanied with the "usual reservations" for his children. This petition was grounded on the exertions which Mr. Felton had made on his previous allotments; on which, he stated, he had formed a flourishing settlement, and had converted a considerable extent of wilderness into productive and valuable farms. Lord Bathurst admitted the force of these considerations, and instructed the Governor to make to Mr. Felton a further grant of 5,000 acres; adding an authority, framed in close adherence to the language of Mr. Felton's application, for the usual reservation in favour of his children.

In May 1828 Mr. Felton claimed the execution of Lord Bathurst's directions in his favour, and submitted a schedule of the lands which he wished to obtain under that authority; consisting of about 5,000 acres for himself, and of about 1,200 for each of his children. The number of his children was nine.

Sir James Kempt agreed to the demand of 5,000 acres for Mr. Felton himself, but referred to the Secretary of State for instructions respecting the grant to his children. Sir James Kempt observed, that the usual allowance to an ordinary settler was 100, or at most 200 acres; and that 1,200 acres, which Mr. Felton claimed for each of his nine children, was the utmost amount that the Government was at liberty to assign to any one individual. Under these circumstances Sir James declined to accede to the demand, unless he should receive positive directions to that effect from Sir George Murray.

Before proceeding further, I think this a proper place to advert to, and dispose of, that part of Mr. Felton's recent explanation, in which he discusses the reasonableness of his application in the year 1828. This point is by no means of equal importance with others in the case; but since it has been raised, I feel it unnecessary to postpone, to any subsequent part of this review of the circumstances, the
declaration

declaration of my clear opinion, that Mr. Felton's request on behalf of his children in 1828 was altogether immoderate. Indeed, when I refer to the very few words in which the subject was mentioned in his application to Lord Bathurst—words thrown out carelessly at the end of his letter, and repeated by his Lordship with an absence of any attempt at definition, which shows how little importance was attached to them—I am at a loss to conceive how Mr. Felton could suppose it possible, that by such a passage he had become entitled to 10,800 acres of land. It is no doubt true, that the value of His Majesty's lands in the Colonies was not formerly estimated by the Government at so high a rate as now; but there never was a time when the Secretary of State would have alienated, in such a manner, a tract of country that could not be worth less than some thousands of pounds. As soon as Sir George Murray received the question referred to him by Sir James Kempt, he replied by directing that 200 instead of 1,200 acres should be assigned to each of Mr. Felton's children. This decision was duly communicated to Mr. Felton. He states, that he expostulated with Sir James Kempt on what he considered its hardship and injustice; but he does not allege that Sir James signified any change of view, in consequence of this remonstrance. Sir James, shortly after left the colony, without any further communication with Mr. Felton on the subject. Nevertheless, a few months afterwards a patent was issued, conveying to each of Mr. Felton's children the 1,200 acres originally solicited for them; upon which Mr. Felton, without one inquiry respecting the cause of so extraordinary a deviation from decisions distinctly and repeatedly signified by the Governor, and by the Secretary of State, silently acquiesced in the unexpected advantage; and his children have remained in possession of the lands up to the present moment, when an accidental discovery in a miscellaneous return has brought the subject to light.

Mr. Felton states, that "when he ascertained, a short time before the departure of Sir James Kempt, that the extent of the grant corresponded with his pretensions, he was convinced that Sir James had been satisfied with the justice of his claims; and that, in acceding to the prayer of the petition, his Excellency had given a proof of the good feeling he condescended to entertain towards him personally, as well as for his character and public services." Upon this statement I am compelled to remark, that Mr. Felton must have known very well that Sir James Kempt was the first person to object to the extensive grants he sought for his children; and in the absence of any express declaration of a change of opinion, he could have no justification in tacitly assuming an alteration of view so favourable to his own interests. He does not say that Sir James Kempt gave signs of any such change of sentiment when he heard Mr. Felton's arguments on the subject, a short while before his departure; and even had Sir James relinquished the opinions originally formed by himself, and afterwards persisted in by him notwithstanding such objections as Mr. Felton could urge, it would not have been in his power to have reversed the Secretary of State's positive instructions, without applying to this department for a revision of the case. Neither is it to be supposed that he would have abandoned all his previous resolutions, without any other indication of the change than the mere contents of a formal instrument under the Great Seal. A colonial officer of ability and high rank, such as Mr. Felton, can hardly have been ignorant that this is not the manner in which the decisions of the Government are accustomed to be dealt with. Considering, therefore, Mr. Felton's position, both as a legislative councillor and as Commissioner of Crown lands, which latter situation ought to have rendered him jealous of the interests of that branch of the public property, and especially scrupulous in respect to all advantages to himself out of it; he appears to me to have omitted an imperative duty, when he neglected to call the attention of the local government to the unlooked-for benefits conveyed to him by the letters patent, touching his children's lands. He was bound to bring the subject distinctly under notice; and his silence was the less excusable, since he appears to have become aware of the contents of the letters patent before Sir James Kempt left the colony; so that he could have no difficulty in immediately ascertaining, from the best authority, whether or not there had been a real change of intention in his favour.

I think the foregoing statement is quite enough to show the course which must be adopted. Your Lordship will call upon Mr. Felton for a surrender of all the lands which have been assigned to his children above the authorized quantity of 200 acres to each; or should that be impossible by reason of their nonage, you will

No. 18.

Despatch from
Mr. Sec. S. Rice,
to Lord Aylmer,
29 October 1834.

30 CORRESPONDENCE RESPECTING GRANTS OF LAND

No 18.

Despatch from
Mr. Sec. S. Rice
to Lord Aylmer,
29 October 1834.

will require a surrender of an equivalent portion of his own lands. The reasons on which this step is founded appear to me, after giving due consideration to Mr. Felton's statement, so obvious and incontrovertible, that I desire to receive no reference home on the subject. You will acquaint Mr. Felton that the demand is one with which I expect his immediate compliance.

The foregoing part of this despatch contains the communication which I wish to be made to Mr. Felton. To your Lordship I must add, that if he declines to obey the requisition which I have felt authorized to make upon him, it will be your duty to dispense with Mr. Felton's further services, and to provide in such manner as you most conveniently can for the discharge of his duties until a successor can be appointed by me. Your Lordship will also, in that case, take the opinion of the law officers of the government on the question, whether there is any legal process by which the right of the Crown to this land could be effectually asserted in a court of justice. Without meaning to express or suggest a positive conclusion on that subject, I should yet wish it to be well considered, whether a grant so unadvisedly made in favour of the family of a public officer, himself in charge of a large branch of the Crown land revenues, and upon an apparent mistake on the part of the King's Attorney-general can be valid as against His Majesty. Your Lordship is aware that for the protection of the public revenue, royal grants of this nature are liable to be revoked in this country, on grounds which would be inapplicable to the case of a private grant. To what extent this principle may have been adopted in the law of Lower Canada, is a question which I cannot undertake to resolve on any legal authority which I can consult in this country.

It is not without great pain that I contemplate the alternative which I have now mentioned, to which I trust your Lordship will not have need to resort. But your Lordship will have the goodness not to impart to Mr. Felton these conditional instructions; for I am anxious, on the one hand, not to obtain a cession of property by any proceeding which could be construed into a menace, nor, on the other hand, am I ready to become pledged that even if Mr. Felton does make the required surrender, I shall on that account abstain from any ulterior mark of displeasure.

Viewing Mr. Felton's want of connexion with the preparation of instruments for the conveyance of land, and, consequently, his perfect freedom from any imputation of wilful falsification of documents in the present case, I trust that I may not feel called upon to advise his removal on account of his too easy acquiescence in an error committed in his favour; but the question admits of doubt, and I am unwilling to preclude myself from further consideration of the subject.

I have marked this despatch "confidential," because, as the transaction to which it relates is one that required me to comment very freely the topics of personal character and motives, I do not wish that it should needlessly or accidentally become public. The communication, however, is perfectly official, and, if rendered desirable by any future circumstances, I have no objection to its being regarded in that light.

I have, &c.

(signed) *T. Spring Rice.*

— No. 19. —

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

My Lord,

Downing-street, 23d Feb. 1836.

No. 19.
Despatch from
Lord Glenelg to
Earl of Gosford,
23 February 1836.

My attention has recently been directed to a despatch addressed to Lord Aylmer, on the 29th October 1834, by my predecessor in this office, Mr. Spring Rice, on the subject of the large quantity of land which had been obtained by Mr. Felton, the Commissioner of Crown lands in Lower Canada, in his own name and in the names of his children. Mr. Spring Rice directed that certain measures should be forthwith taken for procuring from Mr. Felton the cession of so much of this land as exceeded the quantity which His Majesty's Government had intended to bestow on him and his family; and he gave instructions as to the course which should be adopted towards Mr. Felton, should he hesitate to comply with the demand

TO MR. FELTON, IN LOWER CANADA.

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demand to be made on him for this purpose. I find that no report has been received at this department of the steps which were taken in consequence of Mr. Spring Rice's despatch, and I have to request that your Lordship will supply this omission by furnishing me, at your earliest convenience, with full information on the subject, including copies of any correspondence which has passed between the Governor of Lower Canada and Mr. Felton. I need hardly observe, that if any circumstance should have hitherto postponed the execution of Mr. Spring Rice's instructions in this matter, your Lordship will understand that they are still in force, and will proceed to give them immediate effect. In this case you will report to me without delay the measures which you will have taken and their result.

I have, &c.

(signed) *Glenelg.*

No. 19.
Despatch from
Lord Glenelg to
Earl of Gosford,
23 February 1836.

LOWER CANADA.

CORRESPONDENCE between the SECRETARY
OF STATE for the COLONIES and the GOVERNORS
of Canada and Mr. W. B. FETTON, relative to
Lands Granted to the said W. B. FETTON.

(Mr. Roebuck.)

*Ordered, by The House of Commons, to be Printed,
4 March 1836.*

LOWER CANADA.

FURTHER RETURN to an ADDRESS of the Honourable The House of Commons,
dated 24 February 1836;—for,

COPIES of all CORRESPONDENCE that has taken place between the
SECRETARY OF STATE for the COLONIES and the GOVERNORS of *Canada* and
Mr. *W. B. Felton*, relative to Lands granted to the said *W. B. Felton*.

(In continuation of Paper presented 4 March 1836, No. 75.)

Colonial Department, }
26 July 1836. }

G. GREY.

(*Mr. Roebuck.*)

Ordered, by The House of Commons, to be Printed,
27 July 1836.

S C H E D U L E.

- No.
20.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis,
Quebec, 11 May 1836 (sixteen Enclosures) - - - - - p. 3
- 21.—Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street,
1 July 1836 - - - - - p. 11
-

CORRESPONDENCE between the Secretary of State for the Colonies and the Governors of *Canada* and Mr. *W. B. Felton*, relative to Lands granted to the said *W. B. Felton*.

—No. 20.—

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*.

My Lord,

Castle of St. Lewis, Quebec, 11 May 1836.

I HAVE the honour to acknowledge the receipt, on the 5th instant, of your Lordship's despatch of the 23d of February last (No. 52), referring to a previous despatch from Mr. Spring Rice, of the 29th of October 1834, on the subject of the large quantity of land obtained by Mr. Felton in his own name, and in the names of his children; and, in compliance with your Lordship's wishes, I lose no time in transmitting for your information the enclosed documents (sixteen in number), being copies of all the correspondence and proceedings which have taken place in this matter since the receipt of Mr. Spring Rice's despatch, which it appears reached Quebec on the 6th of January 1835.

Upon a perusal of these documents your Lordship will perceive that, on the 9th of the same month, my predecessor furnished to Mr. Felton so much of Mr. Spring Rice's despatch as he was therein directed to communicate to that gentleman, and called upon him immediately to take the necessary steps for the surrender to the Crown of all the lands which had been assigned to his children, above the authorized quantity of two hundred acres to each; or, if that should be impossible by reason of their nonage, for the surrender of an equivalent portion of his own lands. Mr. Felton, in his reply of the same day, expressed his readiness to make the required surrender, and requested to be informed of the manner in which the Governor wished that operation to be performed; at the same time intimating an intention to remonstrate against the measure thus adopted by His Majesty's Government. The matter was then placed in the hands of the Attorney-general, to whom Mr. Felton was referred for the purpose of making the required surrender. In the month of May following Mr. Felton addressed a letter to the then Civil Secretary, in which, after stating that, from a verbal communication with the Attorney-general, he had ascertained that, by reason of nonage, there existed difficulties not easily to be overcome in the way of a surrender of the lands granted to his children, and renewing the assurance of his readiness to meet the views of Government, he inquired whether an equivalent in land, or the value in money, of the excess granted to his children above the authorized quantity, would be preferred. Upon this, it appears that my predecessors suspended all proceedings on the part of the Attorney-general by referring the matter to the Executive Council, who, in a Report dated the 13th of June 1835 (No. 5), recommended, as the most eligible mode of giving effect to the instructions of His Majesty's Government, and avoiding the difficulties suggested by Mr. Felton, that he should be called on to pay the value of the land in money; such value to be ascertained by the price obtained by the Crown for wild lands in the township nearest to that in which the lands assigned to Mr. Felton and his family were situated. The recommendation of the Council was sanctioned by Lord Aylmer, and communicated to Mr. Felton, with a request that he would adopt the necessary measures for carrying it into effect. He accordingly pointed out the steps (*see* Enclosure No. 7) which, in his opinion, would be best calculated for ascertaining the value of the lands; and his suggestions having been approved by the Governor in Council, Captain Hayne, of the Royal Staff Corps, then superintending, on the part of the Crown, the survey of lands in the neighbouring township for the British American Land Company, was instructed on the 15th of August last, to obtain and report to his Lordship the best information in his power as to the value of the lands assigned to Mr. Felton's family; but it appears from Captain Hayne's Report of the 6th of February last (Enclosure No. 10), that the nature of his other duties was such as to prevent his carrying these instructions into effect.

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No. 20.

Despatch from the Earl of Gosford to Lord Glenelg, 11 May 1836.

Enclosure 1.

Enclosure 2.

Enclosure 3.

Enclosure 4.

Enclosure 5.

Enclosure 6.

Enclosure 8.

Enclosure 9.

4 CORRESPONDENCE RESPECTING GRANTS OF LAND

No. 20.
Despatch from the
Earl of Gosford to
Lord Glenelg,
11 May 1836.

During the late session of the provincial parliament, and for some time afterwards, my attention was occupied with so many questions of general political importance and of pressing moment, that the consideration of Mr. Felton's case was postponed to a period when I could enter into a full and uninterrupted investigation of it. This opportunity did not present itself until a short time previous to the reception of your Lordship's despatch; and having, upon a perusal of the documents connected with the subject, arrived at the conclusion that the measures which had been adopted in consequence of Mr. Spring Rice's despatch would not lead to the result contemplated by His Majesty's Government, I did not hesitate to depart from the course which the proceedings had taken, and to revert to a literal observance of the instructions of the Secretary of State. With this view I caused Mr. Felton to be informed, on the 3d instant (Enclosure No. 11), that the Attorney-general had been instructed to adopt forthwith such measures as in his opinion would be best calculated to give immediate and full effect to the determination of His Majesty's Government, in the manner pointed out in Mr. Spring Rice's despatch.

Enclosures 12, 13
and 14.

From the enclosed correspondence, which, in consequence of this letter, has taken place between Mr. Felton, the Attorney-general and my Civil Secretary, your Lordship will perceive that Mr. Felton, while he conceives that he has already complied with the wishes of His Majesty's Government as far as he was concerned, and that it only remained to fix the price of the excess of land to complete the purchase according to his previous offer, has expressed his willingness to accede to any other measure for meeting the views of His Majesty's Government; and to procure from such of his children as are of age, whose consent he has obtained, the surrender of their respective portions, with a suggestion, either that a writ of *scire facias* on the ground of error should be brought to annul the grant to the minors, or, if preferred, that he should give a mortgage security on his own lands, to procure a valid surrender from them when they come of age.

Enclosures 15
and 16.

This is the last step that has been taken in the matter; but from the positive nature of the directions given to the Attorney-general, coupled with the disposition evinced by Mr. Felton, I anticipate a satisfactory termination to this unpleasant affair; and I shall not fail to give your Lordship immediate information of the subsequent proceedings that may be adopted in carrying into effect my determination to adhere to the instructions I have received.

I have, &c.

(signed) Gosford.

(Enclosure 1, in No. 20.)

LETTER from Colonel Craig to W. B. Felton, Esq.

Enclosure 1.

Sir, Castle of St. Lewis, Quebec, 9th January 1835.
IN compliance with the instructions of the Governor-in-chief, I have the honour of transmitting, for your information and guidance, copy of an extract from a despatch addressed to his Excellency by Mr. Secretary Spring Rice, dated the 29th October 1834, in relation to your explanation on the subject of a grant of Crown lands obtained by you in favour of your children, to the extent of 10,800 acres; and in compliance with the instructions conveyed in the concluding paragraph of the enclosed extract, his Excellency desires that you will immediately take the necessary steps for the surrender to the Crown of all the lands which have been assigned to your children above the authorized quantity of 200 acres to each; or should that be impossible by reason of their nonage, the surrender of any equivalent portion of your own lands.

I have, &c.

(signed) H. Craig, Secretary.

(Enclosure 2, in No. 20.)

LETTER from W. B. Felton, Esq. to Colonel Craig.

Enclosure 2.

Sir, Quebec, 9 January 1835.
I AM to acknowledge the receipt of your letter of this day, covering the copy of an extract from a despatch, addressed to his Excellency the Governor-in-chief by Mr. Secretary Spring Rice, of the 29th October 1834, and calling upon me to surrender to the Crown all the

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the lands which have been assigned to my children above the authorized quantity of 200 acres to each; or should that be impossible by reason of their nonage, the surrender of an equivalent portion of my own lands.

I have now the honour to inform you, that I am ready to make the required surrender immediately, and request that you will be pleased to signify the manner in which the legal adviser of Government will recommend that operation to be performed. As I have evinced my early compliance with the decision of the Secretary of State, I trust his Excellency will feel himself at liberty to transmit to His Majesty's Government my remonstrance on the subject, as I am convinced that a more dispassionate judgment will be awarded, and a conclusion more just and liberal towards me will be arrived at, when all the circumstances attendant on the transaction, more particularly those connected with my relations to the Government as a Legislative Councillor and Commissioner of Crown Lands, shall be maturely considered.

I have, &c.

(signed) *William B. Felton.*

(Enclosure 3, in No. 20.)

LETTER from Colonel *Craig* to *W. B. Felton*, Esq.

Sir,

Castle of St. Lewis, Quebec, 14 January 1835.

Enclosure 3.

WITH reference to your letter of the 9th instant, on the subject of the lands which have been assigned to your children, above the authorized quantity of 200 acres to each, I am directed by his Excellency the Governor-in-chief to inform you, that the orders of the Secretary of State to demand the surrender of any land assigned to your children, which shall exceed the grant of 200 acres to each, as sanctioned by the instructions of Sir George Murray to Sir James Kempt, being imperative, it is his Lordship's desire that you will put yourself in communication with the Attorney-general (to whom an extract from Mr. Secretary Spring Rice's despatch of 29 October 1834 has been communicated) for the purpose of effecting the surrender accordingly.

I have, &c.

(signed) *H. Craig*, Secretary.

(Enclosure 4, in No. 20.)

LETTER from *W. B. Felton*, Esq. to Colonel *Craig*.

Sir,

Quebec, 5 May 1835.

Enclosure 4.

IN obedience to the desire of his Excellency the Governor-in-chief, expressed in your letter of the 14 January last, I placed myself in communication with the King's Attorney-general, on the subject of the conveyance to the Crown of an excess of waste lands granted to my children, above the quantity which the Secretary of State authorized them to receive. Upon making inquiry as to the course which I am to adopt for effecting that object, I have ascertained, by a verbal communication from Mr. Attorney-general, that the difficulty which was anticipated by the Secretary of State in relation to the rights of the minors involved in this conveyance, appears to be of a nature which cannot readily be got over; and therefore the alternative contemplated in the same despatch will most probably be resorted to for the satisfaction of His Majesty's Government. Under these circumstances, I renew the assurance which I had before the honour of making to you, that however I may regret the decision of the Secretary of State, yet that I am most ready to accede to any measure which may place the Crown in the same position in which it stood before the patents passed the Great Seal; and I am desirous of ascertaining whether his Excellency, in carrying the instructions of the Secretary of State into effect, prefer the conveyance to the Crown of an equal quantity of land, or the payment of the value of that which has been already granted. Should my Lord Aylmer think proper to entertain any proposal of this character, it may probably be convenient to refer to the Executive Council to point out the mode of ascertaining the equivalent to be offered. In the absence of better means of coming at the value, I take leave to suggest that the examination and report of a surveyor (Mr. Wells) who was employed by the B. A. Land Company to inspect the lands in question, would furnish tolerably accurate grounds for fixing the price. I beg leave to point out, that the Crown in resuming these lands would probably obtain nothing for them from the Company, who would claim them as part of all the Crown property sold to them at a fixed sum, *en bloc*, or would demur at the price, if the payment was to be made in addition to that sum, at the rate of the other lands purchased by them.

I have, &c.

(signed) *William B. Felton.*

6 CORRESPONDENCE RESPECTING GRANTS OF LAND

No. 20.

Despatch from the
Earl of Gosford to
Lord Glenelg,
11 May 1836.

(Enclosure 5, in No. 20.)

REPORT.

To his Excellency the Right honourable Lord *Aylmer*, K. C. B., Captain-general and Governor-in-chief of the Province of Lower Canada, &c. &c. &c.

REPORT of a Committee of the whole Council,—present the Hon. Mr. Smith, Mr. De Lery, Mr. Stewart and Mr. Cochran,—on your Excellency's reference respecting the excess of land granted to Mr. Felton's family, and to be surrendered by him or them.

Enclosure 5. May it please your Excellency,

As it appears from Mr. Felton's letter of the 5th May last, that several of his children are under age, so that valid conveyances could not now be obtained from them for the surrender to His Majesty of the excess of land granted to them above the quantity authorized by His Majesty's Government, and as such conveyances of surrender, even from the elder branches of Mr. Felton's family and from himself, might be subject to some doubt as to their revesting the lands in His Majesty, with a title perfectly free from incumbrance, the Committee are induced to advise, as the most eligible mode of giving effect to the instructions of His Majesty's Government, and avoiding these and other difficulties suggested by Mr. Felton, that he should be called upon to pay to His Majesty the value of the excess of land so granted to him and his family, such value to be ascertained by the price obtained by the Crown for wilderness lands in the nearest township in which sales have been made in the neighbourhood of the lands granted to Mr. Felton and his family.

All which is respectfully submitted to your Excellency's wisdom.

Council Chambers, }
13th June 1835. }

By Order,
(signed) *W. Smith*, Chairman.

(Enclosure 6, in No. 20.)

LETTER from Colonel *Craig* to *W. B. Felton*, Esq.

Enclosure 6. Sir, Castle of St. Lewis, Quebec, 16th June 1835.
I AM directed by the Governor-in-chief to transmit for your information and guidance the accompanying extract, from a Report of a Committee of the Executive Council, respecting the excess of land granted to your family, and to be surrendered by you or them; and his Excellency has further directed me to request that you will adopt the necessary measures to carry the recommendation of the Council into effect.

I have, &c.

(signed) *H. Craig*, Secretary.

(Enclosure 7, in No. 20.)

LETTER from *W. B. Felton*, Esq. to Colonel *Craig*.

Enclosure 7. Sir, Quebec, 18th June 1835.
I AM honoured with your letter of the 16th instant, enclosing a report of the Executive Council, approved by his Excellency the Governor-in-chief, and directing me to adopt the necessary measures for carrying the recommendation of the Council into effect.
The report of the Council advises that I should be called upon to pay to His Majesty the value of the excess of land granted to my children, such value to be ascertained by the price obtained by the Crown for wilderness land in the nearest township in which sales have been made in the neighbourhood.

I am happy to perceive that a final decision has at length been come to on this business, which it was my desire to terminate long since, and in the manner most agreeable to His Majesty's Government.

In order to give effect to the recommendation of the Council, I beg leave to submit the proceedings necessary to ascertain the value of the lands in question, taking it for granted that the price at which the sales made to the B. A. L. Company have been effected apply to the lands, and that the actual sales in the same township, together with those to the Company, should form the basis of the estimate for their value; and that the difference of quality and position should influence that result, as in similar cases, when the value of other Crown lands are to be ascertained, it will be necessary to determine by examination the actual circumstances of the lots; and as the B. A. L. Company has required a survey to be made, to
mark

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mark and re-establish the obliterated lines of the lands adjoining to these, a favourable occasion is presented of doing perfect justice to all parties, by causing the survey to be extended to the lands in question: the same reason which authorizes the Company to suspect that the lines, if ever actually marked in the field, are obliterated, apply to produce a similar belief in respect to these lands. The surveyor must be directed to report specially as to the circumstances of quality and position, as usual in operations of this nature. So soon as the report is received, his Excellency will be enabled to form a judgment on the estimate to be submitted, and I shall endeavour to pay the price which his Excellency may consider it just to require under all the circumstances of the case.

I have, &c.

(signed) *W. B. Felton.*

(Enclosure 8, in No. 20.)

REPORT.

To his Excellency the Right honourable Lord *Aylmer*, K. C. B., Captain-general and Governor-in-chief of the Province of Lower Canada, &c. &c. &c.

REPORT of a Committee of the Executive Council,—present, the Honourable Mr. Smith, Mr. De Lery, Mr. Stewart,—on a Letter from *W. B. Felton*, Esq. respecting the valuation of the lands which he is to return to the Government.

Enclosure 8.

May it please your Excellency,

THE Committee recommend that a valuation of the lands granted in excess to Mr. Felton and his family be made, as suggested in his letter of the 18th of June, by a surveyor, to be approved of by your Excellency and employed at the expense of Mr. Felton, and that such valuation be the price to be paid by Mr. Felton to Government.

All which is respectfully submitted to your Excellency's wisdom.

Council Chambers, }
13 July 1835. }

By Order,

(signed) *W. Smith*, Chairman.

(Enclosure 9, in No. 20.)

LETTER from Colonel *Craig* to Captain *Hayne*.

(Confidential.)

Sir,

Castle St. Lewis, Quebec, 15th August 1835.

By an order from His Majesty's Principal Secretary of State for the Colonial Department, Mr. Felton has been called upon to surrender an excess of lands in Orford, which had been granted in error to certain members of his family. Difficulties having arisen in carrying this order into execution, arising principally from the grants having been made to minors, his Excellency the Governor-in-chief was pleased to refer the instructions to the Executive Council, with a request that they would offer to his Lordship their advice as to the manner in which the surrender in question could best be effected, the Council reported, in the first instance, that the difficulty which presented itself might be removed, by calling upon Mr. Felton to pay for the excess to be surrendered, at the price paid for wilderness land by parties purchasing from the Crown in the nearest township. This communication, on its being communicated to Mr. Felton, produced a letter from that gentleman, dated 18th June, containing certain suggestions, which, on being transmitted to the Executive Council, that body finally advised his Excellency to adopt the suggestions contained in Mr. Felton's letter before alluded to; copies of which reports, together with Mr. Felton's letters, and a list of the lands granted, I now enclose for your further information. With a view to obtain the most correct information as to the value of these lands, so as to frame instructions for the guidance of the surveyor, who may be employed under the report of the Executive Council of the 13th July, his Lordship is desirous to avail himself of your services in this matter, during the time you are employed in retracing the obliterated lines in Orford; and his Excellency has directed me to request you to obtain the best information in your power respecting the value of the lands granted to Mr. Felton, and report the result to me for his Lordship's information; directing your inquiries not only to the value of the lands for agricultural purposes, but also as to their present value as timber lands.

Enclosure 9.

I have, &c.

(signed) *H. Craig*, Secretary.

8 CORRESPONDENCE RESPECTING GRANTS OF LAND

No. 20.

Despatch from the
Earl of Gosford to
Lord Glenelg,
11 May 1836.

(Enclosure 10, in No. 20.)

LETTER from Captain *Hayne* to *Stephen Walcott*, Esq., Civil Secretary.

Enclosure 10.

Sir, Quebec, 6 February 1836.
IN obedience to the commands of the late Governor-in-chief, Lord Aylmer, conveyed by Mr. Secretary Craig's letter of 15th August 1835, I beg leave to state that my opportunities for examining the lands in the township of Orford, referred to in the said letter, have been very limited, in consequence of my engagements in other duties; such, however, as I have seen (viz. those in the seventh and eighth ranges), and can venture to report upon, are of very little value for agricultural purposes, the soil being shallow and stony, and the timber chiefly spruce.

Instructions have been given to Mr. Wyse, who is now employed on the verification of the survey of Orford, to be very particular in his observations on the soil and timber of the lands referred to in Colonel Craig's letter, and I feel satisfied that his report will contain all the information necessary to enable you to form a just estimation of the value of the lands.

I have, &c.

(signed) *R. Hayne*,
Captain H. P. Royal Staff Corps.

(Enclosure 11, in No. 20.)

LETTER from *S. Walcott*, Esq., to *W. B. Felton*, Esq.

Enclosure 11.

Sir, Castle of St. Lewis, Quebec, 3d May 1836.
REFERRING to Mr. Secretary Spring Rice's despatch of the 29th of October 1834 (of which you have had communication), directing the late Governor-in-chief to call upon you for a surrender of all the lands that have been assigned to your children, above the authorized quantity of 200 acres; or should that be impossible, by reason of their nonage, a surrender of an equivalent portion of your own lands, and requesting his Excellency to acquaint you that the demand is one with which the Secretary of State expects your immediate compliance, I have been commanded by his Excellency the Earl of Gosford to inform you, that as the proceedings, which have already been had in this matter, do not appear likely to lead to the result contemplated by His Majesty's Government, the Attorney-general has been instructed to adopt forthwith such measures as in his opinion may be best calculated to give immediate and full effect to the determination of the Government, in the manner pointed out in the despatch to which I have above alluded.

I have, &c.

(signed) *S. Walcott*, Civil Secretary.

(Enclosure 12, in No. 20.)

LETTER from *S. Walcott*, Esq., to the Attorney-General.

Enclosure 12.

Sir, Castle of St. Lewis, Quebec, 3 May 1836.
REFERRING to Mr. Secretary Spring Rice's despatch of the 29th of October 1834 (an extract from which accompanied my predecessor's letter of the 14th of January 1835), directing the late Governor to call upon the Honourable W. B. Felton for a surrender of all the lands that have been assigned to his children, above the authorized quantity of 200 acres; or should that be impossible, by reason of their nonage, a surrender of an equivalent portion of his own lands, and desiring him to be informed that the demand is one with which the Secretary of State expects an immediate compliance, I have been commanded by his Excellency the Governor-in-chief to request that, as the proceedings which have been already had in this matter do not appear likely to lead to the desired result, you will forthwith place yourself in communication with Mr. Felton on the subject, with a view to the adoption of such measures as may in your opinion be necessary for giving immediate and full effect to the determination of His Majesty's Government, as expressed in the despatch to which I have above alluded.

I have, &c.

(signed) *S. Walcott*, Civil Secretary.

(Enclosure

TO MR. FELTON, IN LOWER CANADA.

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(Enclosure 13, in No. 20.)

LETTER from *W. B. Felton, Esq.* to *Stephen Walcott, Esq.*

No. 20.

Despatch from the
Earl of Gosford to
Lord Glenelg,
11 May 1836.

Sir,

Quebec, 4 May 1836.

Enclosure 13.

I AM honoured with your letter of yesterday, communicating to me the decision of his Excellency the Earl of Gosford, in respect to the proceedings to be adopted for the surrender of certain lands granted to my children. On this occasion, I take the liberty of recalling to your recollection, and of repeating the assurances which I had the honour of making to the late Governor-in-chief, immediately on receiving the communication of Colonel Craig, calling on me to surrender those lands in compliance with the instructions from the Secretary of State. In my letter of the 9th January 1835, I state "that I am ready to make the required surrender immediately, and request that you will be pleased to signify the manner in which the legal adviser of the Government will recommend that operation to be performed." On the 14th January, Colonel Craig desires me to "put myself in communication with the Attorney-general, to whom extract from Mr. Secretary Spring Rice's despatch of the 29th October 1834 has been communicated, for the purpose of effecting the surrender accordingly." And on the 5th May 1835, I informed Colonel Craig, that "upon making inquiry as to the course which I am to adopt for effecting that object, I have ascertained by a verbal communication from Mr. Attorney-general, that the difficulty which was anticipated by the Secretary of State, in relation to the right of the minors involved in this conveyance, appears to be of a nature which cannot readily be got over, and therefore the alternative contemplated in the same despatch will most probably be resorted to for the satisfaction of His Majesty's Government. Under these circumstances, I renew the assurance which I had before the honour of making to you, that however I may regret the decision of the Secretary of State, yet that I am most ready to accede to any measure which may place the Crown in the same position in which it stood before the patents passed the Great Seal, and I am desirous of ascertaining whether his Excellency, in carrying the instructions of the Secretary of State into effect, prefer the conveyance to the Crown of an equal quantity of land, or the payment of the value of that which has been already granted." This proposition was submitted to the Executive Council, and on their recommendation the Government decided to have the lands valued, and to receive payment from me for the amount.

As I have learnt by the publication of Lord Aylmer's confidential instruction to Captain Hayne, that measures have been adopted to insure that the full value of these lands should be secured to the Crown, I am somewhat surprised at the annunciation of my Lord Gosford's pleasure "to instruct the Attorney-general to adopt forthwith such measures as in his opinion may be best calculated to give immediate and full effect to the determination of the Government, in the manner pointed out in the despatch above alluded to."

It is not, however, with the remotest intention of obstructing these measures, which his Excellency upon reconsideration of the decision of his predecessor deems it expedient to direct, that I submit the present remarks; but it appears to me, that as a public officer, whose official character has been assailed in relation to the obtaining and retention of these lands, it may be permitted me to request that some measures may be adopted to exculpate me from the charges in that particular, which have been brought under his Excellency's notice by the Assembly of this province. It cannot fail to strike you, that the opportunity to remove the imputations against me in regard to the arrangements between my labourers and myself in locating lands to them, afforded by the issue of a Commission of Oyer and Terminer, will not avail me in respect to the charge of fraudulently procuring the patents for the grants to my children, and that the judgment of some other tribunal, equally entitled to public respect, is essential to the proper and just vindication of my character from this aspersion; I have already applied to the Royal Commission on this particular point, deeming it to form a subject to which their inquiries might with all propriety be directed, more particularly on account of its having been made matter of complaint in the House of Commons, but I had not the good fortune to succeed in my application. As the motion of a Member of the Imperial Parliament, noticed in the public papers, leads me to suppose that some inquiries must, in justice to me, be instituted in the course of a short time, I take leave to suggest that the immediate investigation into all the circumstances attending the preparation of the patents by the Members of the Royal Commission, at the instance of his Excellency the Governor-in-chief, will have the effect of doing full justice to me, and of furnishing His Majesty's Ministers with the information that may enable them to meet the inquiry in the House of Commons.

I have, &c.

(signed) *William B. Felton.*

No. 20.

Despatch from the
Earl of Gosford to
Lord Glenelg,
11 May 1836.

(Enclosure 14, in No. 20.)

LETTER from *W. B. Felton*, Esq., to *C. R. Ogden*, Esq., Attorney-general.

Sir,

Quebec, 5 May 1836.

Enclosure 14.

I HAVE received your letter of yesterday, in which you inform me that Mr. Secretary Walcott, referring to the despatch of Mr. Spring Rice, of the 29th of October 1834, desiring the Governor to call upon me for the surrender of certain lands to my children, requests you, "as the proceedings which have been already had in this matter appear not to have had the desired result," to place yourself in communication with me on the subject, with a view to the adoption of such measures as may in your opinion be necessary for giving immediate and full effect to the determination of His Majesty's Government, as expressed in the despatch; and in which you request that I will inform you, at my earliest convenience, whether I will yield immediate compliance with the expressed desire of the Secretary of State. In reply, I beg leave to remark, that as far as I am concerned, the wishes of His Majesty's Government have been fully complied with, and I only await their determination as to the price to be paid for the excess of land to complete the purchase according to my offer, which I understood to have been accepted by the late Governor-in-chief, under the advice of the Executive Council. At the same time, as nothing conclusive has been done as yet, I am perfectly willing to accede to any other measure that may be more agreeable to his Excellency the Governor-in-chief, in the spirit of ready compliance with the desire of His Majesty's Government that I have repeatedly expressed. I presume, from the tenor of your letter, that you expect me to propose some plan for effecting the object which the Government appears to have in view,—that is, the absolute re-investment of the lands in the Crown; and, in consequence, I suggest for your consideration the following arrangement:

Of the nine children to whom grants were made, one is deceased, and two are of age, the portion of the deceased descending to one of the parties who is of age, so that three portions can be immediately reinstated in the Crown by the act of the grantees or their heir; and I propose to procure the surrender of these three portions direct to the Crown, the consent of the parties being conveyed in the accompanying letters. In respect to the remaining six portions which belong to the minors, I am advised that the safest and most immediate course to adopt is, by proceedings in court on a writ of *scire facias*, wherein the fact of error in the preparation of the patent is the averment. To this measure I shall be ready to afford every assistance, and, if necessary, to give my testimony as to the facts therein stated.

Should you be of opinion that my guarantee of a future surrender of the minors' portions would be preferable to the proposed proceedings, I am equally ready to adopt that course. In this case, I suppose that you will require me to bind myself to procure the surrender of each portion within a limited time after the grantee comes of age, under a penalty for the due performance of the engagement; and that I shall mortgage a specified real estate sufficient to cover the penalty. In such case, the value of the property may be estimated at the highest price at which land has been sold in the neighbouring townships. If the principle of either of these suggestions meet your approbation, I shall be ready to enter into further details whenever it may suit your convenience.

I have, &c.

(signed) *William B. Felton*.

(Enclosure 15, in No. 20.)

LETTER from *W. Locker Felton* to the Attorney-general.

Sir,

Quebec, 6th May 1836.

Enclosure 15.

I ENGAGE to surrender to the Crown the lots of land in the township of Orford, granted to me as one of the children of Mr. Felton; and also the lots of land in the said township, granted to my deceased sister, Anna Felton, and which have descended to me; all the said lots being included in the same patent from the Crown, dated the 30th November 1830, whenever I may be required to do so by His Majesty's Government.

I have, &c.

(signed) *W. Locker Felton*.

(Enclosure 16, in No. 20.)

LETTER from *Eliza M. Felton* to the Attorney-general.

Sir,

Quebec, 6th May 1836.

Enclosure 16.

I ENGAGE to surrender to the Crown the lots of land in the township of Orford, granted to me as one of the children of Mr. Felton, in a patent from the Crown, dated the 30th November 1830, whenever I may be required so to do by His Majesty's Government.

I am, &c.

(signed) *Eliza M. Felton*.

TO MR. FELTON, IN LOWER CANADA.

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—No. 21.—

No. 21.
Despatch from
Lord Glenelg to
the Earl of Gosford,
1 July 1836.

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

My Lord,

Downing-street, 1 July 1836.

I HAVE the honour to acknowledge the receipt of your despatch of the 11 May, announcing the steps which you had taken for carrying into effect Mr. Spring Rice's instructions of the 29 October 1834, relative to the large quantity of land obtained by Mr. Felton in his own name, and in the names of his children. I beg to express to your Lordship my approbation of the firmness and impartiality with which you appear to have acted in Mr. Felton's case. In the present imperfect state of the question I have no further instructions to convey to your Lordship respecting it, but I propose again to communicate with you on the subject when the result of your measures for the recovery of the land shall be finally ascertained.

I have, &c.

(signed) *Glenelg*.

LOWER CANADA.

CORRESPONDENCE between the SECRETARY
OF STATE for the COLONIES and the GOVERNORS
of *Canada* and Mr. *W. B. Felton*, relative to Lands
granted to the said *W. B. Felton*.

(In continuation of Paper presented 4 March 1836, No. 75.)

(*Mr. Roebuck.*)

Ordered, by The House of Commons, to be Printed,
27 July 1836.

LOWER CANADA.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 30 June 1836;—for,

COPY of the FOURTH REPORT of the STANDING COMMITTEE of GRIEVANCES
made to the Assembly of *Lower Canada*, respecting the Conduct of Lord *Aylmer*
while Governor-General of that Province.

Colonial Department, }
12 Aug. 1836. }

G. GREY.

House of Assembly, Lower Canada, Sess. 1835-6.

FOURTH REPORT OF THE STANDING COMMITTEE OF GRIEVANCES.

YOUR Committee, in conformity to the instruction of your Honourable House,
“to inquire into the Proceedings adopted by either House of the Imperial
Parliament of Great Britain and Ireland, relative to the Petitions addressed by this
House and by the People of this Colony to His Majesty and the said Parliament,
in the year 1834, on the state of this Province,” have agreed to the following
Report:

That it appears by a Message transmitted during the last Session of the Pro-
vincial Parliament to your Honourable House by the late Governor-in-Chief, that
a Select Committee was appointed on the 15th April 1834, by the Honourable the
House of Commons, “to inquire into and to report to the House how far the Griev-
ances complained of in the year 1828, on the part of certain inhabitants of Lower
Canada have been redressed, and the recommendations of the Committee of that
House which sat thereupon have been complied with on the part of His Majesty’s
Government; and to inquire into the matters of certain other Grievances not then
brought under the consideration of this House, but now set forth in the Resolutions
of the House of Assembly of Lower Canada in the present Session; and to report
their opinion thereupon to the House.”

That the Petitions of your Honourable House, and of the people of this Province,
were presented, in the course of the month of May following, to the House of
Commons by Messrs. Roebuck and Hume, and referred to the Committee above
mentioned, who examined several witnesses on the matters referred, (among others
A. N. Morin, Esq., a member of your Honourable House, who was deputed to
carry those petitions to England and to support the same,) and considered various
letters and despatches which passed between the Colonial Office and the Governors
of this province since the year 1828, and finally reported on the 3d July 1834.

Copies of the said Report, of the various letters and despatches laid before, and
of the evidence taken by the Committee, will be found annexed.

These important documents refer principally to the financial affairs of this
province, to the independence of the judges, and to petitions of your Honourable
House to His Majesty, complaining of grievances during the administrations of
Sir James Kempt and Lord Aylmer, a period comprising the colonial adminis-
trations of Sir George Murray, Lord Viscount Goderich, Mr. E. G. (now Lord)
Stanley, and a short part of Mr. Spring Rice’s.

To the instructions of the first-named of these Colonial Secretaries, on the subject
of finance, and the rights and privileges of your Honorable House to control and
regulate the expenditure of the public revenue raised in this province, contained
in a despatch dated 29th September 1828, your Committee attribute in a great
degree the harmony which reigned in this colony during the administration of
Sir James Kempt.

2 FOURTH REPORT OF COMMITTEE OF GRIEVANCES

The claims of the preceding administration to be independent of the representatives of the people is formally discountenanced in this despatch, where it is positively laid down that the "Executive Government of Lower Canada cannot be relieved under the existing law, from the virtual dependency upon the Assembly by any constitutional means; and methods of a different nature must not be resorted to."

The pertinacity with which the Provincial Government and an irresponsible branch of the Legislature, supported the odious administration of the Earl of Dalhousie, and the unconstitutional pretensions of that nobleman, are noticed in terms of direct disapprobation.

"I would wish to impress upon your Excellency," says Sir George Murray in his despatch above mentioned, "and through you upon the members of the Provincial Government, and more especially upon the Executive and Legislative Councils, the necessity of cultivating a spirit of conciliation towards the House of Assembly, and of terminating those dissensions with which the province has so long been agitated."

The primary cause of those dissensions, the actual vicious constitution of the Legislative and Executive Councils of this province did not escape the observation of Sir George Murray: "The constitution of the Legislative and Executive Councils is another subject," remarks the same despatch, "which has undergone considerable discussion. * * * You will therefore have the goodness to report to me whether it would be expedient to make any alteration in the general constitution of those bodies."

The opinion of Sir James Kempt on this important question does not appear among the documents printed for the use of the Committee; but it cannot be considered strange that the character and constitution, especially of the Legislative Council, had fallen into contempt, when that body is found opposing, in the year 1826, a Supply Bill, the principles and passage of which they had sanctioned in the preceding year, 1825, and again in 1829 passing a Supply Bill drawn up on the same principles and in the same terms as that which they rejected in 1826.

The administration of Sir James Kempt closed in October 1830, when Lord Aylmer was unfortunately appointed to administer the affairs of this province. The promises which the Colonial Minister held out to the people during the administration of Sir James Kempt, were repeated at an early period by Lord Aylmer after he succeeded to the government of the province. It will be seen, however, that he was at the same time actively engaged in endeavouring to counteract the favourable intentions of His Majesty's Government. From official documents which your Committee have examined, it appears that the late Governor-in-Chief was guilty, so far back as the commencement of the first session of the fourteenth Provincial Parliament (anno 1831, the first session which he opened) of a gross violation of duty, and of direct disobedience of the instructions of the Colonial Minister, in withholding from your Honourable House, contrary to the express commands of the Secretary of State for the Colonies, information on matters of a pecuniary nature which was transmitted to his Lordship to be communicated to your Honourable House.

In the sessions of 1829 and 1830, your Honourable House objected to and refused to vote certain items of expenditure including in the estimates of those years. Those items (16 in number), amounting to 7,533*l.* 6*s.* 6*d.*, are annexed to a despatch from Lord Viscount Goderich to Lord Aylmer, dated Downing-street, 1st December 1830 (No. 2), and are ordered to be omitted in the estimate to be thereafter proposed. By reference to the message sent down by the late Governor-in-Chief, dated 14th February 1831, in which Lord Aylmer professed to communicate the instructions which he received from His Majesty's Government, and to the statement annexed to the estimate which was transmitted with that message, it will be found that items to the amount of 6,381*l.* 13*s.* 4*d.* only are omitted, and that no mention is made, either in the message or in the statement, of item No. 16, intituled "Sundry Items of Contingent Expenses, amounting to 1,351*l.* 13*s.* 2*d.*," expressly mentioned in the Colonial Secretary's despatch of the above date, and ordered to be omitted.

Shortly after this the attention of your Honourable House was called by message to the final adjustment of the question of Finance, and a Civil List of 19,500*l.* sterling, divided into three classes, viz., "Executive, Judiciary, Pensions and Miscellaneous," was demanded.

In

ON THE CONDUCT OF LORD AYLMER, LOWER CANADA. 3

In a despatch, dated 24th December 1830 (No. 5), conveying the instructions of the Secretary of State for the Colonies on this subject, the Colonial Minister says :

" It only now remains for me to state, that the duration of the civil list may be either for the life of His Majesty, or for some definite term of years, not under seven, as may be more agreeable to the Provincial Legislature."

Your Honourable House will learn with surprise that almost the first act of the late Governor-in-Chief, after he had arrived in this province and put himself in communication with the Provincial Parliament, was to mutilate this despatch of the King's Minister, and to suppress all mention of the alternative offered as to the duration of the proposed civil list. In the above despatch, Lord Viscount Goderich plainly states that the civil list may be either for the life of the King or for seven years, " as may be more agreeable to the Provincial Legislature."

In the message of the 23d February 1831 (in which Lord Aylmer professed to have communicated His Majesty's commands, and to have obeyed the instructions he had received,) " it is proposed that the duration of the civil list should be for the life of His Majesty."

Not the slightest allusion or reference to a civil list " for seven years" is made by Lord Aylmer in his message.

Two days after the above message was sent down to your Honourable House, to wit, 25th February 1831, another message was received from the head of the executive, enumerating certain branches of revenue comprised under the head " Casual and Territorial Revenues of the Crown," which it was deemed expedient to exempt from the operation of the proposed financial arrangement.

These important messages having been referred by your Honourable House to a Special Committee, information of a more detailed and particular nature was deemed necessary to enable the Committee to come to a proper conclusion on the matters referred, and various addresses, dated 1st March 1831, were presented in consequence from your Honourable House, demanding that information; amongst others, for a detailed statement of the intended application of certain items accompanying his Excellency's estimate, under the heads " Pensions and Miscellaneous," in class No. 3; also, for a detailed statement of the intended future application of the income arising from the rents of the Jesuits' estates, the land fund, the timber fund, and the other heads of revenue classed in the message of the 25th February as belonging to the casual and territorial revenue; and a third, " for copies of any despatch or despatches, or of such instruction or instructions as his Excellency may have received from His Majesty's Government concerning the financial affairs of this province," referred to in the above messages.

In reply to the first of these addresses, Lord Aylmer answered that it was not in his power to communicate the statement required, " not being in possession of the necessary information," as far as the item " Miscellaneous" was concerned. This answer was not correct, Lord Viscount Goderich having distinctly stated in his despatch of the 24th December 1830 (No. 5), that the miscellaneous item was to meet " unforeseen contingencies."

In reply to the second address, Lord Aylmer gave for answer: " I cannot take it upon myself to say what may be the future intentions of His Majesty's Government with regard to the appropriation of those branches of revenues;" yet at the moment he made this answer, giving to understand that he had no means of furnishing the required information in detail, his Lordship was in possession of the despatch of the Colonial Minister, of the 24th December 1830 (No. 6), an extract of which follows, and which enters into a most particular detail of the future appropriation of those revenues.

EXTRACT of a Despatch from Lord Viscount Goderich to Lord Aylmer, dated Downing Street, 24th December 1830 (No. 6).

According to the accounts transmitted to this country from Lower Canada, it appears that the casual and territorial revenue was composed of the following items in the year 1829:—

Gross revenue of the Jesuits' estates	-	-	-	-	-	-	£. 2,000
Rent of King's posts	-	-	-	-	-	-	- 1,200
Forges of the St. Maurice	-	-	-	-	-	-	- 500
Rent of King's wharf	-	-	-	-	-	-	- 351
Droits de Quint	-	-	-	-	-	-	- 965
Lods et Ventes	-	-	-	-	-	-	- 3,265
Land fund	-	-	-	-	-	-	- 1,800
Timber fund	-	-	-	-	-	-	- 1,150

£. 11,231

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From this sum should be deducted the revenues of the Jesuits' estates, which being regularly applied to the purposes of education, cannot properly be diverted from that object. I must, however, remark that the expense of collecting it (between 500 *l.* and 600 *l.*) bears a large proportion to the total amount of the revenue received, and that it ought to be reduced within the smallest possible compass at as early a period as is practicable.

The remainder of the casual and territorial revenue may be estimated at rather more than 9,000 *l.*; and if from this item there be deducted the expense of collection and management, amounting probably to 1,500*l.* or thereabouts, there will be at the disposal of the Government the sum of about 7,500*l.*, more or less, liable to some increase, I would hope, from the double operation of diminished expense in the collection, and increased receipts from some of the items.

The first item to which it will be obviously proper to apply this fund, will be that portion of the provision for the clergy of the Established Church which has hitherto been paid either out of the army extraordinaries, or the funds of the commissary-general. Nothing can be more unseemly or objectionable than such a mode of meeting that charge; nothing more correct than placing it on the casual and territorial revenue. You will, therefore, pay the stipends contained in the enclosed list (now charged, as far as I can make out, on the army extraordinaries,) out of that fund, and adding thereto the sum of 1,000 *l.* to the Roman Catholic Bishop of Quebec, and 500*l.* divided between the different Presbyterian ministers in the province, the whole charge under the head of religious services will amount to 6,850 *l.* There will then remain a sum of about 950 *l.*; but I do not think it would be prudent to place, at present, any fixed charge upon the surplus, in order that there may be always some reserve in hand to meet unforeseen contingencies.

Whether it would be possible to induce the Legislature (or prudent to attempt it,) to take upon the provincial funds the charge of the Roman Catholic Bishop, I cannot undertake to say, and I must leave it to your discretion to decide upon that question on the spot. If, however, it should be practicable to relieve the casual revenue from that charge, or if any circumstance should increase its disposable amount, then it would be desirable that such disposable increase should be applied to the payment of an equivalent portion of the charge for the Church of England, now defrayed by the Society for the Propagation of the Gospel, out of the annual vote of the British Parliament.

I have, &c.
(signed) *Goderich.*

SALARIES and ALLOWANCES to the Clergy of Lower Canada, exclusive of the Allowances from the Society for the Propagation of the Gospel:—

	£.	s.	d.
Lord Bishop of Quebec - - - - -	3,000	—	—
Archdeacon of Quebec - - - - -	650	—	—
Minister of Trinity Chapel, Quebec - - - - -	200	—	—
Rector of Montreal - - - - -	300	—	—
— Three Rivers - - - - -	200	—	—
— William Henry - - - - -	150	—	—
— Durham - - - - -	100	—	—
— Chatham - - - - -	100	—	—
— Caldwell Manor - - - - -	100	—	—
— St. Armand - - - - -	100	—	—
Evening Lecturer at Quebec - - - - -	150	—	—
— Montreal - - - - -	150	—	—
Vergers of Quebec - - - - -	30	—	—
Rent of Protestant Burial Ground - - - - -	20	18	6
	£.	5,250	18 6
Presbyterian Minister, Quebec - - - - -	50	—	—
— Montreal - - - - -	50	—	—
Additional Allowance to Presbyterian Ministers - - - - -	500	—	—
Roman Catholic Bishop, Quebec - - - - -	1,000	—	—
TOTAL - - - - -	£.	6,850	18 6

This despatch is not and cannot be considered confidential, inasmuch as the first part of it was embodied in the message of the 25th February 1831; the latter and most important part, for reasons best known to his Lordship, was most cautiously suppressed, and refused to be communicated to your Honourable House, as will be seen by the answer to the third address, in which his Lordship stated that those despatches are intended for his own information and guidance, in the confident expectation that the commands of His Majesty will be executed with fidelity. An idea of the “fidelity” with which the commands of His Majesty were executed will best be formed by a recollection of the above facts: The total suppression by his Lordship of all allusion to the alternative offered by His Majesty of accepting a civil list “for seven years.” His statement that he was not in possession

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sion of the information required as to the "Miscellaneous Items," whilst Lord Goderich's despatch contained that information; and finally, his representing that it was not in his power to explain in detail the intentions of His Majesty's Government relative to the proposed appropriation of the casual and territorial revenue, when, at the same time, the Colonial Secretary's despatch of the 24th December 1830 (No. 6), furnished the most explicit details. Notwithstanding these repeated instances of disobedience of His Majesty's commands, and the refusal of information demanded by your Honourable House, and which it was in his Lordship's power to furnish, Lord Aylmer most unwarrantably gives it as his opinion, in a despatch which he addressed to the Colonial Secretary, 4th March 1831, that the Assembly "can never at any future period complain of a want of plain-dealing on the part of the executive government upon this occasion." The facts of the case prove that upon this occasion the late Governor-in-chief has been guilty of most unfair dealing towards your Honourable House.

Your Committee cannot proceed further in their Report without most distinctly, emphatically and firmly protesting, as well against the doctrine laid down in the Lord Viscount Goderich's despatch of the 24th December 1830, relative to the casual and territorial revenue (No. 6), as against the distribution of those revenues which his Lordship proposed in that despatch.

By a message from his Excellency Lord Dorchester, then Governor-in-chief, dated 29th April 1794, the whole of the casual and territorial revenue was expressly stated to have been "most graciously ordered by His Majesty to be applied towards defraying the civil expenses of the province," in lieu of which a sum of 5,555 *l.* 11 *s.* 1 *d.* currency was granted to His Majesty in 1795, without limitation, to defray the expenses of the administration of justice and of the civil government in this province. The Colonial Minister, therefore, had no grounds to support the claim which he made to the disposal of those revenues, and much less was he authorized to distribute them as he proposed.

On the continent of America the principle has long ago been established, that no particular religious establishment ought to have exclusively the protection of, or derive pecuniary support from, the Government, as the interests of religion are only injured when connected with the State. That no man ought in any way be called on to support religious teachers of whose ministry he does not partake, or be subject to any inferiority on account of his creed.

The proposed distribution therefore of the casual and territorial revenue among the clergy of the Protestant Episcopal and Presbyterian churches, or among the clergy of any other religious denomination, would tend only to the final injury of religion, and was unjust in principle, and contrary to the pledged faith of the Government.

Upon the review of the whole of the proceedings had in 1831 on the financial question, your Committee are of opinion that His Majesty's Government must ascribe any unsatisfactory issue of those proceedings to the unconstitutional pretensions which it put forth, and to the unfair conduct of its agent, the late Governor-in-chief, in withholding from the knowledge of your Honourable House information transmitted to him by the King's Government to be communicated to your Honourable body.

In the course of the Session of 1831, your Honourable House, having taken into consideration the various abuses then existing in this province, and the manifold grievances oppressing His Majesty's subjects, passed, on the 8th of March of that year, a series of resolutions setting forth their complaints, which resolutions were embodied in a petition to the King and the other branches of the Imperial Parliament.

The petition to the King was forwarded on the 6th of April following, and accompanied by a despatch from Lord Aylmer to the then Colonial Secretary, commenting on the several complaints preferred by your Honourable House. It is with much pain and regret that your Committee find, on perusal of this despatch, that the person appointed by His Majesty to administer the affairs of this province, and to be a channel of communication between your Honourable House and the King, mistook on this occasion his position, and forgot the high duties which he was called on to perform impartially and for the good alone of His Majesty's subjects. Instead of supporting the constitutionally-expressed demands of the representatives of the people of this province, Lord Aylmer abused his office; endeavoured to prevent in many respects the prayer of the petition of your Honourable House from being granted, or to have it granted in such an ungracious

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manner as would be considered only a new insult and attack on the character and privileges of your Honourable House.

In order to explain these allegations, it is necessary to state that in the course of the Session of 1831, your Honourable House presented an address to the head of the Executive, demanding that the proper officers should be directed to lay before your Honourable House certain statements in detail of the receipts and expenditure of the Jesuits' estates: Lord Aylmer refused complying with the prayer of this address. In calling the attention of the Colonial Secretary in the despatch last mentioned to that part of the petition to His Majesty in which reference is made to the Jesuits' estates, Lord Aylmer recommends that the whole of the accounts of the receipts and expenditure of those estates should be annually published, not through the medium of your Honourable House, the only constitutional channel through which the same should be made public, but by insertion in a weekly newspaper called the *Official Gazette of Quebec*. The insult which Lord Aylmer recommended the Colonial Secretary to offer to your Honourable House in this instance, justly called down upon his Lordship the mild but pointed reproof of Lord Viscount Goderich, the then Secretary of State for the Colonies, who, in a despatch, dated Downing-street, 7th July 1831, expresses his regret that Lord Aylmer should have withheld those accounts from your Honourable House; disavows at the same time every wish for concealment, and instructs his Lordship "to lay these accounts, in the most complete detail, at the commencement of the then next Session, and to supply the House of Assembly with any further explanatory statements which may be required respecting them."

It is to be regretted that His Majesty's Government should have stopped short in their desire to be just, and retained up to this day the Jesuits' college for the use of His Majesty's troops. By an examination of Lord Aylmer's despatch of the 6th April 1831, your Committee find that this ungracious and narrow act was suggested by the late Governor-in-chief, who represented that "should His Majesty think fit to waive his exclusive right to those estates, it would be advisable to retain possession of a building situated in the city of Quebec," (meaning the Jesuits' college, now occupied as a barrack for soldiers), "as the relinquishment of this college would entail considerable expense and inconvenience to the public service."

Your Committee deem it unnecessary to expose all the instances in which the representations made by your Honourable House in the petition in question, were opposed by the late Governor-in-chief; they will be seen by reference to the despatch in question. But your Committee cannot forbear directing the attention of your Honourable House to that part of the despatch which refers to the complaints against the judges for interfering or taking an active part in the political affairs of the province.

The late Governor-in-chief recommended that those complaints "might be left to the discretion of the person at the head of the Government, who, should he witness any instance of such conduct, would, of course, take such steps as the circumstances of the case might appear to him to require."

After a declaration such as this, His Majesty's Government and the people of this province were naturally to expect that, however difficult it might have been to remedy the past, the judges would be directed and obliged to abstain for the future from the indecent practice of meddling in the political affairs of the province; the public would be relieved from having to repeat their complaints on this subject; and your Honourable House would have been spared the task of protesting against the continuance of such a practice, and of prosecuting and demanding the removal from office of partizan judges. But so far from this being the case, a desire not only to prevent the full correction of those abuses, but to increase them, has, in the opinion of your Committee, guided the late administration in its policy. Grave accusations were brought against a judge, whose oppressive conduct had roused his victims to demand justice. Your Honourable House had on two several occasions resolved that the said judge had been guilty of high crimes and misdemeanors, and he ought to be removed from the bench. Of such facts the late Governor-in-chief was not ignorant, yet it has come to the knowledge of your Committee that so far from taking the steps necessary to deprive the individual referred to (Mr. Justice Fletcher) of the office and trust which it has been proved he so flagrantly abused, Lord Aylmer, so late as year 1834, invited the said Mr. Justice Fletcher to accept the higher, more honourable, and more responsible charge of Judge of the King's Bench of the district of Montreal.

Again,

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Again, in the year 1833 the Legislative Council of this province voted unanimously a most calumnious Address to His Majesty, ascribing to your Honourable House designs and intentions of a most dishonourable and unnatural nature. That address was concurred in, among others, by the Honourable Jonathan Sewell, chief justice of the province. Yet, notwithstanding His Majesty's Principal Secretary of State for the Colonies, in a despatch of the 8th February 1831, recommended to that officer "a cautious abstinence from all proceedings by which he might be involved in a contention of a party nature," and notwithstanding the late Governor-in-chief, in his despatch of the 6th April 1831, pledged himself that "should he witness any instance of judges engaging themselves, or taking part in the political differences of the province, he would of course take such steps as the circumstances of the case might appear to him to require," it does not appear that Lord Aylmer took any steps to prevent or to punish the interference of Mr. Chief Justice Sewell, in this instance, in political affairs.

As successor to Mr. Justice Uniacke on the bench of the Montreal district, the late Governor-in-chief chose a violent partizan of one of the most detestable administrations that ever this province was afflicted with. The then Secretary of State for the Colonies, the Right Honourable Mr. Spring Rice, as appears by a despatch laid before your Honourable House, dated Downing-street, 11th November 1834, "feeling it to be of the highest importance that no persons who can be considered as strong political partizans should be placed on the bench of Lower Canada," refused to sanction that appointment in consequence of "the line adopted by Mr. Gale (the person in question), before the Committee of 1828, and his connexion with the measures of those times;" Lord Aylmer, nevertheless, disobeyed the orders of His Majesty's Ministers, and retained Mr. Gale on the bench, in direct contradiction to the commands of his superior, transmitted to that effect.

But even these, numerous though they be, are not all the instances in which the late Governor-in-chief broke his own pledges, falsified his own declarations, and set at nought the commands of the King, his master.

The chief justice of the province having been incapacitated by ill health from attending in his place as Speaker of the Legislative Council, in the session of 1834, Lord Aylmer appointed to that situation the Honourable Mr. Bowen, one of the judges of the district of Quebec, and thus dragged back to the political arena from which he had for several years retired, one of the judges of the land, contrary to the recommendation of a Committee of the House of Commons; contrary to the orders of the King's Ministers, who expressly stated in the said despatch of the 8th February 1831, "That it was desirable that they (the judges,) should be exempted from all temptation to interfere in political controversies, and even from a suspicion of such interference;" and contrary to the pledge which His Lordship himself had given in his despatch of the 6th April 1831, already referred to.

This plain statement of facts requires no commentary from your Committee; it will show the manner in which this province has been governed for many years; the policy of which it has been the victim; and will prove that the late Governor-in-chief, even when he professed to be guided only by friendship for the people of the colony, and by justice and impartiality, was not only doing all in his power to obstruct and prevent any redress of grievances, but was also actively engaged in adding to their number.

In the next session of the Provincial Parliament (1831-32) the negociation for a civil list came before your Honourable House in a new shape.

In the preceding session the civil list was divided into three classes, and amounted to 19,500 *l.*, but the Legislature was required to provide only for the sum of 14,500 *l.*, 5,000 *l.* having been permanently granted by the 35th Geo. 3, towards the maintenance of the civil government.

In the session of 1831-32, the demands contained in the civil list were divided into two distinct and separate measures, pursuant to instructions contained in despatches, dated Downing Street, 8th February 1831, and 29th September following. The first of these demands was for the passing of a Bill to secure the independence of the judges, and to render their salaries permanent.

A civil list amounting to 5,900 *l.*, to pay the salaries of the Governor, the Civil Secretary, the Provincial Secretary, the Attorney and Solicitor General, was next demanded for the life of the King. By those two measures, from 17,900 *l.* to 19,900 *l.* was demanded for the salaries of the judges and other officers, a sum which exceeded the demand of the preceding year by from 3,000 *l.* to 5,000 *l.*

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The first of those demands was complied with by your Honourable House, and a Bill was passed by the Legislature of this province to secure the independence of and to make permanent provision for the judges, thereby providing for a portion of the civil list, demanded in 1831, to the amount of from 12,000 *l.* to 14,000 *l.*

The failure of the other demand, viz., for a permanent appropriation of 5,900 *l.* was mainly owing to the irregular and unprecedented conduct observed on the occasion by the late Governor-in-chief.

His Lordship was well aware, by a report agreed to by your Honourable House and communicated to His Lordship, that your Honourable House had declined in 1831 making any further permanent provision for the provincial government, in consequence, among other reasons, of the inadmissible pretensions of the Crown to the exclusive disposal of the casual and territorial revenue. Notwithstanding this declaration on the part of your Honourable House, all information as to whether the Government persisted in its claim to the exclusive control and disposal of those revenues, was studiously withheld. Your Honourable House had already granted from 12,000 *l.* to 14,000 *l.* to defray the judges' salaries; and without any explanation as to the pretensions of the Crown relative to the casual and territorial revenue, your Honourable House was called on to grant another sum of 5,900 *l.* Instead of furnishing the requisite information on this head, the late Governor-in-chief adopted the unprecedented and unparliamentary proceeding of writing a letter to the executive officer in charge of the measure, threatening the members of your Honourable House that, unless the civil list was voted, his Lordship would not assent to any Bill providing an indemnity for the members, thus precluding at once the representatives of the people from entertaining any proposition to which such dishonourable conditions were annexed.

What were the representations made to His Majesty's Government by the late Governor-in-chief on this occasion? Instead of frankly communicating to His Majesty's Ministers the causes which led your Honourable House to decline acceding to the proposed civil list; instead of recommending His Majesty's Ministers to give up to the constitutional control of your Honourable House the revenues in dispute; instead of candidly stating that his Lordship did not furnish the necessary explanations as to the claims of the Government to the disposal of certain revenues; that he had, on the contrary, adopted the indecent and unparliamentary course of menacing the members of the Assembly, his Lordship observed a careful, premeditated, and disingenuous silence on these causes, and called on His Majesty's Government to make a firm stand, and assert their claim to the proposed civil list; representing at the same time the respectability, the numbers, and talents of the minority, forgetful of the fundamental and plainest principles of a representative government, that the opinions of the majority and not those of the minority should be the guide of the executive.

After a due examination of the proceedings in the session of 1831-32, on the question of a proposed "civil list," as it is improperly called, your Committee are of opinion that besides the just grounds and weighty considerations which could well induce your Honourable House not to depart from that sound policy which has also almost universally prevailed in all British colonies, to provide for the necessary expenses of government, not permanently, but for short periods only, it is plain that the unbecoming, irregular, and unparliamentary conduct observed by the late Governor-in-chief, precluded your Honourable House from entertaining for a moment the proposed measure.

The session of 1832-33 opened under gloomy prospects. Continued bad government, and increased grievances in the administration of the affairs of the province; the unconstitutional and improper connexion between the executive, judicial, and the legislative authorities; the abuse of that irresponsible power with which the several authorities in this colony are unfortunately invested; the neglect on the part of the King's Ministers to apply a practical and efficient remedy to those grievances, together with the violent, unjust, and oppressive conduct of the late Governor-in-chief, had created universal discontent, and the people of the colony, almost weary of hoping, became clamorous for justice. In this state of things, your Honourable House exercising your constitutional, undoubted, and exclusive right and privilege "to direct, limit, and appoint, in Bills for granting aids and supplies to the Crown, the end, purposes, considerations, conditions, limitations and qualifications of such grants, which cannot be changed or altered elsewhere," annexed to several of the items in the Supply Bill certain conditions, with a view to abolish pluralities, and to prevent incompatible offices from being filled by the same

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same individuals. This Supply Bill was thrown out on the 23d March 1833, in the Legislative Council by a majority composed of placeholders, dependents, and expectants on the Executive Government, whose pecuniary interests and expectations were immediately and directly affected by the votes of your Honourable House.

On the day after the Bill was thus disposed of, the late Governor-in-chief addressed a despatch to the Colonial Secretary, dated Castle of St. Louis, 29th March 1833, in which his Lordship attempted to persuade the Colonial Minister to violate the Act passed in the 1 & 2 Will. IV. c. 23, and to withdraw or contradict an opinion which the Secretary of State had previously pronounced on the 29th September 1831, in favour of the rights of your Honourable House to the exclusive control of the proceeds of the 14 Geo. 3, c. 88.

By the 1 & 2 Will. IV. c. 23, it was distinctly enacted, that all the monies to arise from the duties levied by virtue of the 14 Geo. 3, should be appropriated in such manner, and to such purposes, as the Provincial Legislature might deem meet; and in order to remove all doubt or misunderstanding as to the intention and meaning of His Majesty's Government in introducing, supporting and sanctioning that Act, Lord Goderich informed Lord Aylmer, in a despatch, dated 29th September 1831, with which he transmitted a copy of the Act in question, that although his Lordship "had been compelled hitherto to deny the Assembly's pretensions to the 14 Geo. 3, henceforward the same objection could not be of course insisted on."

Unwilling, however, to acknowledge the rights of your Honourable House, and desirous to divest the representative branch of the Legislature of that salutary control over the public revenue with which it is constitutionally clothed, the late Governor-in-chief had recourse to falsehood, in order to induce His Majesty's Government to countenance his illegal views.

In the first place he pretended, in a despatch of the 29th March 1833, addressed to Lord Viscount Goderich, then Secretary of State for the Colonies, utter ignorance of the views of His Majesty's Ministers, as to the construction of the 1 & 2 Will. IV. c. 23; a reference to Lord Goderich's despatch of the 29th September 1831, above quoted, will prove that there was no foundation in truth for their pretended ignorance; for in that despatch he is distinctly informed, that henceforward he could not object to the claim of your Honourable House to the proceeds of the 14 Geo. 3. As the object, however, of the late Governor-in-chief was not to obey the law, or the King's instructions, but to evade both, and to induce the King's Government into sanctioning his unlawful views, he next called on the law officers of the Crown and the King's counsel in this province, a class of men who have hitherto, with but few exceptions, been notorious for supporting the pretensions of an irresponsible Executive, for their authority to violate the law and to disobey the King's instructions. As may be expected from their servility and subserviency, those authorities almost unanimously gave it as their opinion, "that in the event of the three branches of the Legislature of the province not concurring in regard to the disposal of the revenues raised under the Act of the 14 Geo. 3, the provisions of that Act came into full operation in like manner as if the Act of the 1 & 2 Will. IV. c. 23, had never existed, enjoining the Lords of the Treasury to appropriate those revenues to the expenses of the civil government of the province, and to account to the Imperial Parliament for the overplus, if any should remain after providing for those expenses."

The plot to abstract the proceeds of the 14 Geo. 3, from the public chest, against the letter and spirit of the law, supported though it was by the pliant and corrupt tools of a wicked administration, did not succeed. The late Governor-in-chief was shortly afterwards virtually censured by the Secretary of State, who directly discountenanced, on the part of His Majesty's Government, the projected spoliation, and Lord Aylmer's ignorant advisers received a severe rebuke, by having their want of knowledge exposed, and their ignorant opinion utterly disavowed.

"Having," says the Right Honourable Mr. Stanley, in a despatch to Lord Aylmer, dated 6th June 1833, "referred to the law officers of the Crown your Lordship's despatch of the 29th March last (No. 30,) with reference to the absolute or conditional surrender by the 1 & 2 Will. IV. c. 23, of the revenues raised under the 14 Geo. 3, c. 88. I have to acquaint you that those officers are of opinion that the effect of the Act 1 & 2 Will. IV. c. 23, is at once, from the time of the passing of the Act, and without qualification, to place at the disposal of the Legislature of the province the appropriation

of those Revenues which the previous Act of 14 Geo. 3, had raised and placed at the disposal of the Government through the medium of the Treasury; any application, therefore, by the Treasury of those revenues which have accrued due since the passing of the Act 1 & 2 Will. IV. c. 23, appears to be no longer in the power of the Lords of the Treasury, or in any other of the officers of the Crown; and if it shall be thought advisable to resort to the provisions of the Act 14 Geo. 3, it cannot be legally done without a repeal of the Act 1 & 2 Will. IV. c. 23."

Not satisfied with thus endeavouring to dispose of a part of the public revenue, not only without, but against law, Lord Aylmer next attempted to destroy the most important of the privileges of a representative branch of the Legislature, by rendering the public servants independent of your Honourable House. With this view he applied to the then Colonial Minister in the early part of 1833, to authorize an issue from the military chest, of a sum sufficient to defray the services left unprovided for in consequence of the wanton rejection by the Legislative Council of the Supply Bill passed by your Honourable House. Notwithstanding the strong recommendation of his Lordship to adopt this unconstitutional measure, the Colonial Minister, (the Right Honourable E. G. Stanley), "felt it to be his duty" to withhold his sanction from such a proceeding; and to the confusion of the corrupt and obnoxious administration of that day, and its guilty advisers, marked a second second time with his disapprobation improper recommendations and illegal pretensions of the late Governor-in-chief.

Early in the succeeding Session of 1834, Lord Aylmer had again recourse to his usual practice of mutilating the despatches received from the King's Minister, and of communicating only such curtailed and partial extracts as in his opinion approved of his conduct, or tended to convey a censure on your Honourable House, whilst he unwarrantably and unjustly suppressed every passage which he found corroborative of the constitutional principles by which your Honourable House was guided in your proceedings.

On the 13th January, 1834, the late Governor-in-chief transmitted a message to your Honourable House relating to the failure of the Supply Bill of the preceding year. In this message the late Governor-in-chief professed to communicate the views of the Secretary of State, relative to certain "conditions" which your Honourable House, in the exercise of your constitutional and undoubted privileges, thought fit to annex to certain items in that Bill; and gave it to be understood as the opinion of the Colonial Minister, that your Honourable House, in annexing these conditions, had gone beyond your attributes.

To those conversant with Parliamentary history and the rights of the Commons House of Parliament in granting money, as insisted upon and regulated by the British House of Commons, so far back as 1678, it was a matter of surprise to be given to understand that a British Minister could be ignorant of the long established, incontrovertible, and well-defined rights of the representatives of the people in money matters; but your Committee have since discovered that the late Governor-in-chief mutilated the despatch of the Colonial Minister; for so far from pretending that the practice of annexing conditions to money votes, adopted by your Honourable House, was unconstitutional or improper, the Colonial Secretary frankly admitted, in his despatch of the 6th June 1833, that such practice is a matter of constant occurrence in the Colonies and in Parliament.

"In so far," says the Colonial Secretary, "as the Supply Bill imposed upon the different grants it contained, conditions of a pecuniary nature for the performance of specific services in return for the sums voted, they were not unconstitutional in substance. It is a matter of constant occurrence in the Colonies, and as I conceive in Parliament, that in voting money for the public service, stipulations of this nature should be made for the public benefit."

In communicating the opinion of the Secretary of State contained in the despatch of the 6th June 1833, to your Honourable House, the late Governor-in-chief with his usual bad faith carefully suppressed the above important passage.

A system of misrepresentation and premeditated deception which Your Committee have just exposed, uninterruptedly continued for five years, could not fail to embroil your Honourable House with His Majesty's Ministers, to shake the confidence of His Majesty's subjects in the justice of His Majesty's Government, and to plunge this province in confusion from one extremity to the other.

To be relieved from the misgovernment and oppression which proceeded from such a state of things, your Honourable House and the people of this province
appealed

ON THE CONDUCT OF LORD AYLMER, LOWER CANADA. 11

appealed once more to the Imperial Parliament. The Report, Evidence, and documents hereto annexed, are the fruit of that appeal.

From a careful examination of those despatches and documents, and a faithful comparison thereof with the various messages and other communications made by the late Governor-in-chief to your Honourable House in His Majesty's name, your Committee are of opinion that Matthew Whitworth Lord Aylmer, late Governor-in-chief of this province, has grossly abused the authority and trust reposed in him by the King his master, and been guilty of high crimes and misdemeanors.

That he has been in the constant practice of mutilating and curtailing various despatches, transmitted to him by the King's Ministers, before communicating the same to your Honourable House, thereby wilfully misrepresenting and perverting the views of the King's Government.

That he has flagrantly and repeatedly disobeyed the King's instructions.

That he has frequently, to the injury of the interests of the province, refused to communicate, or falsely denied that he had information with which your Honourable House, with a view to promote the public service, requested to be furnished.

That he has wilfully and maliciously deceived the King's Government as to the views, opinions and wishes of your Honourable House, representing His Majesty's subjects in this province.

That he has attempted at sundry times to destroy the constitutional and inherent privileges of the representative branch of the Legislature of this province.

That he has, by wicked and evil counsel, attempted to mislead, and actually did mislead, the servants of the Crown on matters touching the welfare of this province and the rights and liberties of the good people thereof, thereby endangering the safety and connexion of this colony as a dependency of the British Crown.

The whole nevertheless humbly submitted.

(signed) *E. B. O'Callaghan*, Chairman.

29th January 1836.

House of Assembly, Tuesday, 23 February 1836.

Resolved,—That this House doth concur in the Fourth Report of the Standing Committee of Grievances.

Attest,

Wm. B. Lindsay Clk. Assy.

LOWER CANADA.

COPY of the FOURTH REPORT of the STANDING
COMMITTEE of GRIEVANCES made to the Assem-
bly of *Lower Canada* respecting the Conduct of
Lord *Aylmer*, while Governor-General of that
Province.

(*Mr. Roebuck.*)

Ordered, by The House of Commons, to be Printed,
16 August 1836.

UPPER AND LOWER CANADA (INDIAN DEPARTMENTS).

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 15 April 1836;—for,

COPY of the INSTRUCTIONS addressed to the Governors of *Upper* and *Lower*
Canada, relative to the EXPENDITURE incurred on account of the Indian
Departments in those Provinces.

Colonial Office, }
21 April 1836. }

G. GREY.

Lord *Glenelg* to the Earl of *Gosford*, &c. &c.

[A similar Despatch was addressed to Sir *F. B. Head*, Lieutenant-Governor of
Upper Canada, with the exception of the paragraphs within brackets, in pages
2 & 3, which were omitted in the Instructions to Upper Canada, and the
Paragraphs in the margin inserted in lieu thereof.]

MY LORD,

Downing-street, 14 January 1836.

I HAVE the honour to inform your Lordship, that I have recently had under
my consideration the subject of the expenditure incurred by this country on
account of Indians in the Provinces of Upper and Lower Canada. My attention
has at the same time been directed to a Resolution adopted, during the last
Session of Parliament, by the Committee of the House of Commons on Military
Expenditure in the Colonies, the terms of which Resolution were as follows:—

“Resolved, That the Committee are of opinion, from the evidence taken, and
to which they refer, that the Indian Department may be greatly reduced, if not
altogether abolished; and they therefore call the attention of the House to the
same, and also to the expense of articles annually distributed to the Indians, and
whether any arrangement may not be made to dispense with such distribution
in future, or to commute the presents for money.” With reference to this
Resolution, I proceed to communicate to you the views which I have been led to
adopt by an examination of all the information recorded in this department on
the subject to which it relates.

The annual expenditure incurred by this country on account of Indians in
Upper and Lower Canada has been limited, since the year 1830, to 20,000 *l.*;
of this sum, 15,850 *l.* has been considered applicable to the purchase of presents,
and 4,150 *l.* to the pay and pensions of the Indian Department.

Deferring, for the present, any observation on this latter branch of the expen-
diture, I feel bound, after much consideration, to express my opinion, that the
time is not yet arrived at which it would be possible, consistently with good
faith, altogether to discontinue the annual presents to the Indians. It appears,
that although no formal obligations can be cited for such issues, there is yet
ample evidence, that on every occasion when this country has been engaged in
war on the North American continent, the co-operation of the Indian tribes has
been anxiously sought, and has been obtained. This was particularly the case
in the years 1777 and 1812; and I am inclined to believe that it is from these
periods respectively that the present annual supplies date their commencement.
But without attempting to pursue that inquiry, it is sufficient to observe, that the
custom has now existed during a long series of years; that even in the absence
of any original obligation, a prescriptive title has thus been created; that this
title has been practically admitted by all who have been officially cognizant of
the matter, and that all agree in stating that its sudden abrogation would
lead to great discontent among the Indians, and perhaps to consequences of
a very serious nature.

Of the sum expended in presents, there is, however, a portion which would appear to be placed under peculiar circumstances. It has often been represented, and lately on official authority, that of the Indians who receive presents from the British Government, a considerable number reside within the United States, and only resort to Canada at the periods of issue.

(To Sir F. Head.)
The number of these
Indians in Upper
Canada is said to be
4,000, or about one-
fourth of the whole.
I have to request
that you will direct
an immediate in-
quiry to be made
into the truth of
this statement, and
that you will

[The remark applies rather to the Upper Province than to Lower Canada, and it is therefore my intention to bring the subject under the notice of Sir F. Head, with a view of receiving from him a report upon it. But if there should be any similar instances in Lower Canada, I have to request that your Lordship will] ascertain and report to me, under what arrangements or conditions such persons have hitherto received presents; at what period their change of domicile took place; how far the faith of this country is pledged to them; and whether any bad consequences are to be apprehended from the discontinuance of their supplies.

While, however, my present information leads me to believe, that the immediate or early discontinuance of the annual presents to the Indian tribes residing within the British provinces, without a commutation, would be unjust and impolitic, I am by no means prepared to admit that they should be indefinitely perpetuated; and I have to request that you will direct your early attention to a consideration how far it may be practicable, consistently with good faith and sound policy, gradually to diminish their amount, with a view to the ultimate abrogation of the existing custom.

Closely connected with this inquiry, is the second suggestion of the Committee of the House of Commons, which I have quoted above; viz., that the presents should in future years be commuted for money payments. The possibility of such a commutation has already, at a former period, been under the consideration of the Secretary of State; but the information regarding it in this department is apparently of too contradictory a nature to admit of my pronouncing any decided opinion upon it. In July 1827, a similar measure was proposed to Lord Dalhousie by the Earl of Ripon. Lord Dalhousie's objection to it was, however, very decided, and was expressed in terms which it would scarcely be possible to strengthen. "The idea," he observes, "of proposing to the chiefs of tribes to convert the payment of presents or other tribute to them, into money, would be received with the utmost alarm. His Majesty's Government would be loaded by the execration of the country, were they to pay, in money, to Indians the large sums due to them by bargain, or by custom long established. All the societies labouring for the moral and religious improvement of the Indians would fly to His Majesty's Government to implore a recal of the order." Sir J. Kempt, in the year 1829, confirmed the sentiments of his predecessor, although in less forcible terms. He stated, that "it would be unwise to place at their disposal any commutation, in *money*, for those presents, of which they would, in all probability, make an improper use."

In deference to these opinions, the idea of commuting the presents for money appears to have been at that time abandoned.

I am not disposed to question the accuracy, under then existing circumstances, of the opinions expressed by Lord Dalhousie and Sir J. Kempt; on the contrary, I think it probable that at the date of their despatches such consequences might have followed from money payments to the Indians. But since that time considerable progress, I have reason to believe, has been made in the settlement and civilization of the tribes, and it has been stated by persons, to whose experience it is impossible not to defer, that it would be very advantageous to them to receive, in money, a proportion of the annual issues. I have therefore, thought it advisable again to bring the subject under the consideration of the Lords Commissioners of the Treasury, and I have obtained their Lordships' sanction to a commutation of the usual presents for money, provided that no stock of the articles already consigned to the province remains on hand, and that the reductions which have been effected, or which are in progress, be steadily kept in view. If, therefore, you should upon investigation find reason to conclude that the well being of the Indians would be promoted by substituting an equivalent in money, in lieu of the articles at present issued, or of a portion of them, you will consider yourself at liberty, subject to the restrictions above mentioned, to effect such a commutation. It will be for you to judge whether this arrangement should be confined to the tribes which are settled on the land, or whether an attempt should be made to extend it also to those who still retain the habits of savage life. With
respect

respect to the latter there might still be some danger of the consequences anticipated by Lord Dalhousie. Assuming this to be a question of good faith, it seems indispensable that the arrangement should be made only with the free consent and concurrence of the Indians themselves, signified by their chiefs. And that they should feel that their interests have not been overlooked or sacrificed in forming it.

Looking however, to the moral and religious improvement of the Indians, and their instruction in the arts of civilized life, as the principal object to be kept in view in our intercourse with these tribes, I am anxious that your inquiry should be specifically directed to the practicability of effecting a commutation of the presents for some object of permanent benefit and utility to the parties now receiving them. It was with this motive that agricultural implements have of late been included among the presents, but I hope it may be possible to carry the principle into more extended operation.

From the reports in this department, it appears that not only among the more civilized and settled tribes, but even among those inhabiting the remote districts of Canada, a strong desire for knowledge has recently been evinced. In Upper Canada, schools have been established by societies and by private individuals, and are said to be well attended. [In Lower Canada also similar efforts appear to have been made, though perhaps not with so favourable a result.] These circumstances, combined with the general docility of the Indian tribes, lead me to hope that a scheme of a more general nature would not fail of ultimate success. I cannot, of course, pretend to enter into the details of such a scheme; it is sufficient for me to impress upon you the readiness and the anxiety of His Majesty's Government to co-operate to the utmost of their power in its promotion. With this view they are prepared, should you think such a measure practicable, and if the consent of the Indians can be obtained to it, to sanction the application of at least a portion of the sums now expended in the purchase of stores and presents, to the erection of school-houses, the purchase of elementary books, and the payment of resident schoolmasters, for the benefit of the Indian tribes; nor, if so important a commutation could be effected, would they think it necessary to postpone its commencement from any considerations of economy, in regard to articles which may have been already consigned to the colony for distribution, and which might in such a case remain on hand. Upon this subject, however, I shall be anxious to receive from you, at as early a period as possible, such suggestions as the means of information within your reach may enable you to offer for the guidance of His Majesty's Government.

It remains for me now to notice the expenditure on account of the Indian department. Of this I do not hesitate to express my opinion, that it bears an undue proportion to the whole amount of expenditure under consideration. It amounts in [Lower Canada to 1,814 *l.* 3 *s.* 4 *d.*, while the whole sum appropriated to disbursements on account of Indians in that province are only 6,000 *l.* per annum. Of this amount, 1,814 *l.* 3 *s.* 4 *d.*, 168 *l.* 6 *s.* 8 *d.* is for pensions, and 1,645 *l.* 16 *s.* 8 *d.* for salaries, in which latter sum is included 270 *l.* paid to five missionaries and 20 *l.* to a schoolmaster. The remainder is consumed in the salaries of officers,] the object of whose appointment, is the maintenance of the connexion with the Indians, and the distribution of the annual presents. From the evidence adduced before the Committee of the House of Commons on Colonial Military Expenditure, it would appear that the duty of distributing the presents, even if that system should be maintained, might be wholly performed by the existing Commissariat Establishment in Canada. If the distribution of presents be not continued, whether by reason of their commutation for money, or of the application of the price of them to purposes connected with education, the services of the Indian Department might still more easily be dispensed with. In this branch of the expenditure I am inclined to think that an extensive reduction might immediately take place, and with this view I am anxious to direct your Lordship's early and particular attention to the subject; I would suggest that you should call upon Mr. Commissary-general Routh, to report to you upon this branch of the question. The attention which that gentleman has devoted to the whole subject, the ability with which his reports to the Lords Commissioners of the Treasury have been drawn up, and the suggestions which he has already made of reductions in the annual expenditure, must entitle his opinion to considerable weight. In reporting upon this branch of the inquiry, you will furnish me with requisite information, as to the length and nature of the services of the

Omitted in
Despatch to
Sir F. Head.

(To Sir F. Head.)
Upper Canada to
2,329 *l.* 10 *s.*, while
the whole sum
appropriated to
disbursements on
account of Indians
in that Province
is 14,000 *l.* Of
this amount of
2,329 *l.* 10 *s.*, 572 *l.*
is for pensions, and
1,757 *l.* 10 *s.* for
salaries to officers,
the object, &c.

4 INDIAN DEPARTMENTS OF UPPER AND LOWER CANADA.

individuals now on the establishment of the Indian Department, with a view to the consideration of any claim which they may have to remuneration in the event of their services being discontinued. In the mean time you will not consider yourself at liberty to fill up any vacancy which may occur in the establishment. As it is not possible that I should receive your Lordship's answer to this despatch, before the period at which it will be necessary to lay upon the Table of the House of Commons, the Colonial Estimates for the year 1836-7; it is not my intention to make any reduction in the sum to be required for the ensuing year. But it will, at the same time, be distinctly intimated to the House of Commons, that the vote is only taken provisionally, that steps are in progress for ascertaining the practicability of immediate reductions in the expenditure on account of Indians, and that His Majesty's Government entertain a confident hope that they will not be compelled in future years to make so large a demand for this service upon the liberality of Parliament.

I have, &c.
(signed) *Glenelg.*

UPPER AND LOWER CANADA,
(INDIAN DEPARTMENTS.)

COPY of the INSTRUCTIONS addressed to the
Governors of *Upper* and *Lower Canada*, relative
to the EXPENDITURE incurred on account of the
Indian Departments in those Provinces.

(*Sir George Grey.*)

Ordered, by The House of Commons, to be Printed,
27 April 1836.

ORANGE LODGES, CANADA.

RETURN to An ADDRESS of the Honourable The House of Commons,
dated 28 July 1836;—for,

A COPY of any DESPATCHES addressed to the Governors of *Upper* and *Lower Canada* respecting ORANGE LODGES; the Date of Arrival of those Orders there; and the ANSWERS, if any, received from such Governors:—Also, a Copy of the ADDRESS of the House of Assembly of *Upper Canada* to the Governor respecting ORANGE LODGES, and his ANSWER thereto.

Colonial Department, Downing-street, }
9 August 1836.

G. GREY.

CIRCULAR TO THE COLONIES RESPECTING ORANGE LODGES.

COPY of a Circular DESPATCH, addressed by Lord *Glenelg* to the Governors of His Majesty's Colonial Possessions, dated Colonial-office 27th February 1836. (Forwarded to the Governor of Lower Canada and Lieutenant-governor of Upper Canada, by the Halifax Packet of the 3d of March 1836.)

I HAVE the honour to transmit herewith, for your information, the copy of a Resolution agreed to by The House of Commons on the 23d instant, on the subject of Orange Lodges, and other similar societies; together with a copy of the Answer which His Majesty was graciously pleased to return to the Address presented in pursuance of the above Resolution.

I have, &c.
(signed) *Glenelg*.

Mercurii, 24^o die Februarii, 1836.

Resolved, That an humble Address be presented to His Majesty, praying that His Majesty will be graciously pleased to take such measures as to His Majesty may seem advisable, for the effectual discouragement of Orange Lodges, and generally of all political societies, excluding persons of a different religious faith, using secret signs and symbols, and acting by means of associated branches.

Jovis, 25^o die Februarii, 1836.

Answer to Address 23 February reported as follows:

WILLIAM R.

I WILLINGLY assent to the prayer of my faithful Commons, that I will be pleased to take such measures as may seem to me advisable for the effectual discouragement of Orange Lodges, and generally of all political societies, excluding persons of a different religious faith, using secret signs and symbols, and acting by means of associated branches.

It is my firm intention to discourage all such societies in my dominions, and I rely with confidence on the fidelity of my loyal subjects to support me in this determination.

W. R.

Note.—The date of the arrival of the above circular in the provinces of Upper and Lower Canada is not known, but the receipt of it was acknowledged by the Earl of Gosford upon the 17th of May, and by Sir F. Head on the 27th May 1836. No reply has been received from either province.

ADDRESS OF ASSEMBLY OF UPPER CANADA RESPECTING ORANGE LODGES.

The Address of the House of Assembly of Upper Canada to the Lieutenant-Governor, and his Reply thereto, relative to Orange Lodges, have not been officially transmitted to the Colonial Department; but the following Proceedings thereon have been extracted from the Votes of the Assembly, Session 1836.

4th April 1836.—Pursuant to the order of the day, the address to his Excellency the Lieutenant-Governor for information on the law relating to public processions was read a third time and passed, and is as follows:

To his Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, respectfully request that your Excellency will be pleased to direct to be laid before this House without delay the opinions of His Majesty's Attorney and Solicitor Generals how far the laws in force in this Province are calculated, if rigidly enforced, to put down public processions likely to endanger the public peace, and whether in their opinion it is necessary to pass a law to prohibit all processions having such a tendency; and that your Excellency will be pleased to inform the House whether the Government of this Province have taken, or determined to take, any steps to prevent or discourage public processions of Orange Societies, or to discourage the formation or continuance of such societies.

Commons House of Assembly, } 4 March 1836.	(signed)	<i>Marshall S. Bidwell,</i> Speaker.
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On the motion of Mr. Parke, seconded by Mr. M'Intosh, ordered, That Messrs Small and Wells be a Committee to wait upon his Excellency the Lieutenant-Governor, to know when he will be pleased to receive the address of this House, and to present the same.

7 April 1836.—Mr Small, from the Committee to wait upon his Excellency the Lieutenant-Governor with the address of this House on the subject of Orange Processions, reported delivering the same, and that his Excellency had been pleased to make thereto the following answer:

Gentlemen,

I herewith transmit to you, according to the request of the House of Assembly, the opinion of His Majesty's Attorney and Solicitor General, on the subject of Orange Processions.

The government of this province has neither taken, nor has it determined to take, any steps to prevent or discourage the formation or continuance of such societies.

I have no hesitation, however, in saying, that I consider all factious combinations as hostile to the real interests of this country; but unless they proceed to acts of violence or intimidation, I consider that a forced remedy might prove worse than the disease itself.

OPINION of His Majesty's Attorney and Solicitor General, on the subject of
Orange Processions.

Toronto, 6 April 1836.

WE are of opinion that all "processions likely to endanger the public peace," and "all processions having such a tendency," are illegal, and may be suppressed by civil authority. Persons engaged in the processions of the description mentioned, are liable to be prosecuted for a misdemeanor. It may be sometimes difficult to determine what processions are, in themselves, illegal, or have a tendency to a breach of the peace, and it therefore must rest with the Legislature to decide how far it is expedient to pass a law to suppress public processions of every description. All which is respectfully submitted.

Robert S. Jameson, Attorney-general.
Christopher A. Hagerman, Solicitor-general.

ORANGE LODGES, CANADA.

COPIES of DESPATCHES addressed to the Governors
of *Upper and Lower Canada* respecting ORANGE
LODGES.

(*Mr. Ilme.*)

Ordered, by The House of Commons, to be Printed,
16 August 1836.

NOVA SCOTIA.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 26 April 1836;—for,

COPIES of the ADDRESSES of the HOUSE OF ASSEMBLY in *Nova Scotia*, to His Majesty, dated the 29th March 1834, of 15th January 1835, and in March 1836, with the PAPERS annexed to each, on the FOREIGN TRADE of that Colony, and on the EXPENSES of the CUSTOMS ESTABLISHMENT.

Colonial Office, }
29 June 1836. }

G. GREY.

SCHEDULE.

NOVA SCOTIA.—FOREIGN TRADE AND CUSTOMS ESTABLISHMENT.

- | | |
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| No. 1.—Address from the House of Assembly, dated 29 March 1834. | |
| No. 2.—Ditto - - - ditto - - - | 15 January 1835. |
| No. 3.—Ditto - - - ditto - - - | 8 March 1836. |
| No. 4.—Ditto - - - ditto - - - | 15 March 1836. |

— No. 1. —

ADDRESS from the HOUSE OF ASSEMBLY to THE KING'S MOST EXCELLENT
MAJESTY.

MAY IT PLEASE YOUR MAJESTY:

THE House of Assembly, in approaching the Throne on a subject of the deepest moment to your Majesty's subjects in Nova Scotia, would be wanting alike in their duty to your Majesty and those whom they represent, if they did not tender the assurance of their unabated loyalty and affection to your Majesty's Person and Government.

They are sensible it only requires to be made apparent that any measure of your Majesty's Government operates with unnecessary severity upon their industry, or retards their prosperity, to induce your Majesty to extend to them ample relief.

Of this injurious character is the system by which foreign trade with your Majesty's colonial possessions is regulated. By the Act of the Imperial Parliament, intituled "An Act to regulate the Trade of the British Possessions Abroad," foreign vessels laden with the productions of foreign countries are permitted to enter into three ports of the province only, viz. Halifax, Picton and Sydney. Under the denomination of warehousing ports, Liverpool and Yarmouth enjoy indeed a limited commerce with such countries, but the rest of your Majesty's subjects in Nova Scotia are absolutely prohibited from pursuing such trade from their numerous outports, except by incurring the danger, expense and delay of repairing to one of the principal ports for entry and clearance.

clearance. That Yarmouth and Liverpool are well situated for foreign commerce, their local position renders sufficiently obvious; and this is further confirmed by a reference to their trade during the past year. In Liverpool the tonnage employed in that period was 25,587 tons, and the exports and imports amounted to 71,287 *l. 5 s. 4 d.* Of Yarmouth the tonnage was 37,379 tons, and the official value of the imports and exports was 81,124 *l. 12 s. 2 d.* The shipowners of Lunenburg also, restricted as their enterprize is, a port which employs 167 vessels of 6,516 tons, and whose amount of exports and imports for the past year exceeded 35,000 *l.*, cannot import a single barrel of flour from the United States, nor can they ship to the West Indies or elsewhere foreign productions, except under similar disadvantages. Into the port of Windsor, from which in the same year were exported 120,000 tons of gypsum to the United States, no vessel can enter with her return cargo, except she calls into St. John's or St. Andrew's, and there pays the imperial duties, together with a variety of minor provincial charges, onerous to the shipowner and disadvantageous to this province.

From Cumberland, as appears by the official returns, were shipped last year to the United States, grindstones of the value of 9,890 *l.* sterling, and their demand for this article is yearly increasing, there being no quarries within their boundaries which can supply them; yet the commerce of Cumberland is subject to similar restrictions.

We forbear to enumerate in detail the trade of Arichat, Guysborough, Aygyle, Barrington, Shelburne, Digby, Annapolis, Cornwallis, Windsor, Douglas and Parrsborough, lest this address should be extended to an inconvenient length; but they are all equally affected by the present system.

The results are obvious: that part of the provincial revenue which arises from the imperial duties on foreign articles, paid as it is by the consumer, is to a considerable extent turned into New Brunswick. Smuggling, destructive alike of the morals of the people and the revenue of the colony, is encouraged and increased; and such are the facilities afforded by the contiguity of our American neighbours, and by the numerous outports, creeks and bays of the province, for illicit traffic, that a line of guarda costas only could materially affect it.

The House of Assembly are informed that American vessels occasionally load and unload, and that vessels of our own colony land clandestinely in the out bays and creeks, articles chargeable with duties, the payment of which, if authorized by law, they would not seek to evade; and as the inhabitants of the outports cannot comprehend either the wisdom or the justice of a system by which they are excluded from a participation in the privileges enjoyed by their fellow-subjects in the favoured ports, their sympathies are excited in favour of the illicit trader.

But if your Majesty would graciously extend the privileges of the free warehousing system, which were in fact enjoyed by Yarmouth and Liverpool before the passing of the last Imperial Act, once more to these ports; to the port of Lunenburg that of a warehouseing port, and would also concede to the inhabitants of the other ports the right of bringing as return cargoes from foreign countries such of their productions as are now admissible into the free warehousing ports, the House of Assembly respectfully assure your Majesty that the people, no longer having either a pretence or reason for complaint, would naturally aid the officers of the revenue in putting an end to a traffic which, even under their present difficulties, they view with anxious solicitude from a conviction of its demoralizing tendency.

That it is essential to the public interests that the revenue should be increased by the proper collection of duties of customs, to enable the province to provide for a large public debt, to keep up the roads and bridges, and to make a suitable provision for the different public officers; and the House in its present session, from the state of the revenue and the public debt, will be unable to make the provision for the roads and bridges which the public interests require, and which, under a different system of custom-house regulations, would be provided by the collection of custom duties at the outports.

Such is the present system, and so perceptible are its pernicious results, that the House of Assembly, unwilling to further trespass upon your Majesty's attention, would here conclude this address, did not circumstances force upon the House the belief that the cause of these restraints is to be found in the alleged expense of the increase of the establishment of the customs, which the extension of these privileges would require. This subject, as well as that noticed in the previous part of the present address, was brought under the consideration of your Majesty by an address of the House which passed in the session of 1832, to which no reply has yet been communicated to the House.

To that address, the resolutions upon which it was founded, and to the following brief detail, the attention of your Majesty is humbly, yet earnestly, solicited.

During a period of many years, the colonies of which your Majesty's province of Nova Scotia was one, complained that the fees exacted on their coasting trade were burthensome and disproportionate to the services performed; they sought relief from the burthen, but did not complain of the system of remunerating the officers of customs by fees. They knew that thus all classes of your Majesty's subjects, as well those residing in the mother country as in the colonies, contributed to bear a burthen necessary to the due enforcement of the navigation laws of the empire.

When it pleased the Imperial Parliament to abolish this system, it was declared that the measure was one of relief to the colonies, and that it was not intended that the mother country should benefit by the change. Yet Nova Scotia, preceding the other colonies, was the first to grant, not merely a sum equal in amount to that which had been previously paid in fees, but a larger sum; for your Majesty will perceive that the total amount which, in currency, was paid in the province in fees, was but 6,958 *l.* 18 *s.* 2 *d.*, when the free system was abolished; whereas the sum granted by the Act, to provide for the custom-house establishment in Nova Scotia, was 7,144 *l.* 18 *s.* 9 *d.* currency, or 6,430 *l.* 9 *s.* sterling.

The House then felt, as they now feel, that the very fees which had burthened their coasting trade, and of which alone they had for many years complained, had swelled the sum paid to the officers to an amount far beyond what ought in justice to have been awarded to them; they observed that the scale of salaries proposed was extravagant; that it was intended to appoint several officers to do duties which, under the fee system, had been, or might be performed by one: yet, foreseeing that the extension of the trade of the colony would probably require an increase of their establishment; that it was the prerogative of the Crown to establish the amount of their salaries; that it was to the colony immaterial whether the whole sum given was allotted to one officer or distributed among many, the Assembly at once gave the sum required from them.

They did more; they granted, as a free gift to your Majesty's late Royal Brother and Predecessor, the whole sum of 25,087 *l.* 1 *s.* 11 *d.* sterling, which had been previously retained by these officers, and for which the House had before held them personally responsible.

Of this measure your Majesty's Lieutenant-governor, Sir Peregrine Maitland, in his address to the House at the conclusion of the session of the year 1829, remarked as follows: "Your Bill, making permanent provisions for the custom-house establishment, I will transmit with pleasure for the consideration of His Majesty. It will not fail to convey a fresh proof of the enlightened public spirit, and the sense of justice towards the mother country, which have guided your legislative proceedings, and tended to confer on them a character so honourable to the province."

Nor did the House refrain from distinctly announcing the principles upon which they adopted this step. Your Majesty will see, by reference to their address of the 16th April 1829, and the scale of salaries which accompanied it, that they were candidly submitted to the King's Government; and in the acceptance of their humble, yet to them large contribution, the people of the colony saw these principles sanctioned and confirmed.

They did not, and could not, anticipate that no further extension of foreign trade was to be conceded to them unless they made further contributions to the support of the establishment of the customs: yet within 13 months only after this acceptance, the honourable Board of Customs, in their letters to their principal officers of this port, of the 4th May 1831, 26th August 1831, and 27th August 1831, and in that of these officers of the 14th November 1831, distinctly require such further contributions before other officers necessary for the trade, should be appointed in the colony.

The expence of this establishment in the last year, in this small colony, amounted to 8,928 *l.* 1 *s.* 7½ *d.* sterling, the whole of which was, with the exception of 1,000 *l.*, levied from the people of this province; and we humbly apprehend that this expenditure might be judiciously and greatly diminished; but this we cheerfully refer to your Majesty's wisdom, praying only that its magnitude may not be permitted to cramp our industry, by closing our out-ports.

And we would further humbly assure your Majesty that, although the House is satisfied the bonds taken on warehousing goods might in general be safely relied on, and the expense of warehousing avoided, (a system which has been in beneficial operation in this colony for many years,) yet the extension even of the free warehousing system does not require the numerous officers employed, or suggested to be necessary. The collectors at Picton, at Liverpool, at Yarmouth, and at Sydney, might well perform the duties of warehouse-keepers and other incidental duties; while those in the other outports could, with more facility, do all, and more than would be required from them, without being burthened with employment.

Anterior to the adoption of the present system, the pro-collectors did the duties of collector, comptroller, surveyor and searcher, and tide-waiter; and this was approved by the honourable Board of Customs, in their letter of the 31st July 1821; and the House of Assembly submit that there is nothing either in the present trade, or that to result from the opening of the ports in the manner now asked, that will prevent their being thus occupied.

We would further bring to the notice of your Majesty, that with the port of Pugwash, in the eastern part of the county of Cumberland, there is carried on a very considerable trade in wood to Britain. During the last year, 24 square-rigged vessels were laden with timber; and the business appears to be increasing. The inhabitants of that part of Cumberland having by petition, during the present session, represented that the masters of these vessels are obliged to travel 40 miles to the collector, whose place of residence is in the western part of that county, and praying that a custom house be established at Pugwash; of this subject also we humbly solicit your Majesty's gracious consideration.

We annex an Account, exhibiting in detail the sums payable for the salaries of the officers of the customs in this province; and humbly but earnestly pray that, taking the premises into your Royal consideration, you will be graciously pleased to renew to the ports of Yarmouth and Liverpool the privileges of free warehousing ports; to grant to the port of Lunenburg those of a warehousing port; and to every other port in the province where there is an officer of the customs established, the right of importing, in British or colonial vessels, the articles which are now admissible under the said Imperial Act, into the ports therein specified.

In the House of Assembly,
22 March 1834.

(signed) *S. G. W. Archibald,*
Speaker.

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PORT OF HALIFAX, NOVA SCOTIA.

AN ACCOUNT of the NAMES, EMPLOYMENT and SALARIES of the respective Officers of His Majesty's Customs, throughout the Province, with the Incidental Charges, during the Year 1833.

NAMES.	EMPLOYMENT.	SALARIES.		
		£.	s.	d.
Thomas N. Jeffery - -	collector - - - - -	1,500	-	-
R. Best - - - - -	1st clerk - - - - -	250	-	-
J. W. Madden - - -	2d clerk - - - - -	200	-	-
F. G. Foster - - - -	3d clerk - - - - -	150	-	-
J. Wallace - - - - -	controller and landing surveyor - -	750	-	-
D. H. Watson - - - -	waiter and searcher - - - - -	350	-	-
Joseph Dean - - - -	- ditto - - - - -	350	-	-
W. H. Iles - - - - -	warehouse keeper - - - - -	300	-	-
F. W. Achesen - - - -	tide surveyor - - - - -	150	-	-
Thomas Holder - - - -	- ditto - - - - -	150	-	-
John Gurley - - - - -	extra clerk - - - - -	182	10	-
Samuel Story - - - -	- ditto - - - - -			
Robert Dimmett - - -	locker - - - - -	73	-	-
James Wale - - - - -	boatmen - - - - -	146	-	-
William Hays - - - -				
Tidemen - - - - -	- - - - -	198	12	-
Joshua Newton - - -	sub-collector, Liverpool - - - - -	200	-	-
J. H. Freeman - - - -	sub-controller ditto - - - - -	150	-	-
C. White - - - - -	sub-collector Shelburne - - - - -	100	-	-
A. S. Bruce - - - - -	- ditto - Lunenburg - - - - -	150	-	-
Joseph Homer - - - -	- ditto - Barrington - - - - -	100	-	-
John McKinnan - - - -	- ditto - Argyle - - - - -	100	-	-
A. V. S. Forbes - - - -	- ditto - Yarmouth - - - - -	200	-	-
E. C. Grantham - - - -	warehouse-keeper, Yarmouth - - - -	150	-	-
S. Campbell - - - - -	sub-collector, New Edinburgh - - -	100	-	-
John E. Morton - - - -	- ditto - Digby - - - - -	120	-	-
H. Goldsmith - - - -	- ditto - Annapolis - - - - -	120	-	-
D. Whidden - - - - -	- ditto - Cornwallis - - - - -	150	-	-
P. Wright - - - - -	- ditto - Windsor - - - - -	150	-	-
J. H. Noonan - - - - -	- ditto - Picton - - - - -	200	-	-
Oliver Cotton - - - -	warehouse-keeper, Picton - - - - -	150	-	-
M. Gordon - - - - -	sub-collector, Cumberland - - - - -	100	-	-
Duncan McColl - - - -	- ditto - Guysborough - - - - -	120	-	-
J. W. Benn - - - - -	collector, Cape Breton - - - - -	400	-	-
C. E. Leonard - - - -	controller, - ditto - - - - -	250	-	-
John Jean - - - - -	sub-collector, Arichat - - - - -	200	-	-
G. E. Leonard - - - -	tide-surveyor, Bridgeport - - - - -	100	-	-
Waiter - - - - -	at Picton - - - - -	12	-	-
Two boatmen and boat hire	- ditto - - - - -	2	2	10
Waiter - - - - -	at Liverpool - - - - -	3	12	-
Ditto - - - - -	at Yarmouth - - - - -	8	8	-
Surveying officer - - -	- - - - -	35	5	3
Incidental expenses - -	stationery, fuel, repairs of building, &c. &c.	116	4	9
Postage - - - - -	- - - - -	85	6	9½
Housekeeper - - - - -	- - - - -	5	-	-
		£.	8,328	1 7½

Custom House, Halifax,
16 February 1834.

(signed) J. H. Madden,
Pro-Collector.

(signed) J. Wallace,
Compt^r and Landing Surveyor.

STATEMENT, exhibiting the SALARIES of the respective Officers of His Majesty's Customs, throughout the Province of *Nova Scotia*; showing the EXPENSES of the Department, and in what manner the same are defrayed.

Dr			Cr		
To amount of salaries and incidents, as specified in the preceding page -	£.	s. d.	By provincial legislative grant of 5 January 1829	£.	s. d.
	8,328	1 7 ½	7,144 l. 18 s. 9 d., reduced to British sterling	5,998	15 4
To compensation allowed to collector for past services, &c., in lieu of loss sustained on abolition of fees and reduction of salary -	500	- -	By duties received under Acts prior to 18 Geo. 3, c. 12 - - - -	1,893	4 11 ½
To compensation allowed controller and landing surveyor for past service, &c., in lieu of loss sustained on abolition of fees and reduction of salary -	100	- -	By this sum advanced from account of seizures, to be drawn for on receiver-general of His Majesty's Customs - - - -	1,000	- -
			By balance to ditto - -	36	1 4
£.	8,928	1 7 ½	£.	8,928	1 7 ½

Custom House, Halifax,
16 February 1834.

(signed) J. Wallace,
Compt^r and Landing Surveyor.
(signed) J. H. Madden,
Pro-Collector.

— No. 2. —

ADDRESS from the HOUSE OF ASSEMBLY to THE KING'S MOST EXCELLENT MAJESTY.

The humble Address of the House of Representatives in General Assembly, for the Province of Nova Scotia.

MAY IT PLEASE YOUR MAJESTY:

THE House of Assembly of your Majesty's province of Nova Scotia, now in legislative session convened, approach the Throne with unaltered sentiments of loyalty and attachment to your Majesty's Person and Government: they know, that although they form but a humble Portion of the empire, their interest and welfare have never been forgotten in the enactment of laws for the regulation of the commerce of your Majesty's widely-extended dominions; but in the adjustment of the various and complicated relations which exist amongst them, it is not extraordinary if some of these laws should be found by experience to be injurious, or to be susceptible of amendment.

Thus by the statute 3 & 4 Will. 4, c. 59, Yarmouth and Liverpool were deprived of the privileges of free warehousing ports; but upon the humble address of the House of Assembly, passed at its last session, your Majesty was graciously pleased to renew to these ports the same freedom of trade which they had enjoyed anterior to the enactment of that statute; and for this prompt and gracious attention to their wishes, the House of Assembly tender their grateful acknowledgments.

But the House of Assembly crave leave to recal your Majesty's attention to the various considerations set forth in that address, not only as regards the greater freedom of trade with foreign countries prayed for, but also as to the means of liquidating the necessary expenses of such further customs' officers as may

may be required, if your Majesty should grant the colony the relief sought, to the utmost extent asked for by its inhabitants.

The House of Assembly are concerned to perceive, in the communication submitted to the House by your Majesty's Lieutenant-governor, in reply to that address, that your Majesty's Government appear to have adopted it as a principle, even with respect to the minor ports in the colony, that foreign productions shall not be brought into them in British vessels, without, at the same time, similar advantages being extended to those owned by foreigners. But it is humbly conceived, that the ports of Annapolis Digby, Windsor, Douglas or Parrsborough, Cornwallis and Cumberland, may be placed within the operation of the fourth section of the said Act of Parliament by which your Majesty is authorized to constitute ports with limited privileges in rivers and bays, without any violation of the comity referred to in that communication, and without provoking the retaliatory measures which are apprehended by the Lords Committee of Trade and Plantations. It is known to your Majesty that the land and sea from Cape Sable in Nova Scotia, and St. Andrew's in New Brunswick, to the head of the Bay of Fundy, are exclusively British; that the exports to the United States, with which the trade is principally carried on, consisting of gypsum and grindstones, are produced of such quality, in such quantities, and with such facilities for shipment and transport in these colonies, as to render the people of the Union in some measure, if not wholly dependent upon New Brunswick and Nova Scotia, for productions indispensable for the culture of their soil, and the prosperity of many of their infant manufactures.

If, therefore, the local position of these ports be such as to enable your Majesty, without violating any treaty, or infringing the spirit of those commercial relations which your Majesty desires to uphold with foreign states, to extend the privileges of importing in return for their exports, in their own vessels only, the produce of foreign countries into these ports, the House of Assembly humbly trust that your Majesty will grant the prayer of the House of Assembly in respect to them.

As foreign vessels also may enter the free warehousing ports of this province, the House of Assembly do not apprehend that any objection could with propriety be made by foreign nations to the extension of the privileges now solicited for the other ports of the colony.

We would further humbly submit, that as British vessels are by the before mentioned statute allowed to import into Newfoundland foreign articles, without the same privileges being granted to foreign shipping, the same policy may for the present be extended to this colony; and if complaints are in consequence made by any foreign nation, the ports thereof may then be constituted free warehousing, or free ports, or ports with limited privileges, according to the local situation and importance of each.

But may it please your Majesty, if the settled policy of your Government be such as is announced to us in the communication hereinbefore referred to, rather than that the enterprise and industry of our people should be checked and impeded, and their morals corrupted by the contraband trade forced upon them by the present unwise restrictions, the House on their behalf humbly pray your Majesty to open the ports of the province hereinbefore and herein-after enumerated, as well to foreign as to British vessels. Among the many evils with which the present system abounds, is the loss to our provincial revenue at a period when we can ill afford it.

The only ports in the Bay of Fundy into which British vessels can enter from foreign ports, with articles of foreign growth, produce or manufacture, are the free warehousing ports of St. Andrew's and St. John, both in the province of New Brunswick. Whatever revenue therefore is derivable from the imperial duties on such articles, when brought by the vessels of Nova Scotia in return for their fish, gypsum, grindstone and agricultural produce, is either wholly lost to the colony, or goes to swell the funds of our sister province. But the delay, the expense and inconvenience, the loss of one voyage in three, together with the facilities afforded for smuggling by the numerous out-bays and creeks of the Bay of Fundy, are inducements so powerful as frequently to impel the owners of our coasting vessels, who are chiefly very poor, to run the risk of detection, rather than to ruin themselves in detail by stopping on their voyages up the bay to enter in St. Andrew's or St. John.

We would further humbly entreat your Majesty's attention to the indispensable necessity which exists for the opening as free warehousing ports, Lunenburg and Arichat : the people of the former are inferior to none in integrity, industry, and commercial enterprize ; they own 180 vessels, about 9,000 tonnage, manned by 900 men ; the value of their exports, restricted as their trade is, was in 1833 about 22,000 *l.* actual value, and their imports 18,000 *l.* We entreat your Majesty to imagine the wounded feelings with which the inhabitants of such a port must regard their more favoured neighbours of Liverpool and Halifax.

For Arichat in Cape Breton, the first commercial port in that island, with equal earnestness must we urge its undoubted claims to the like privileges, for which the inhabitants of that section of the province have besought us during the present session to intercede with our most gracious Sovereign. So long ago as the year 1828, the exports from this place were 39,227 quintals of dry fish, 12,559 barrels of pickled fish, and 1,323 barrels of oil, without mentioning any other articles ; and 220 vessels were then owned there. In the spring of 1833 there were launched and on the stocks upwards of 2,000 tons of shipping, besides small coasters. During the summer an active herring fishery was carried on by their vessels at the Magdalen Islands and Bay St. George ; besides which, the mackarel fishery in the autumn was closely pursued, and a large export of pickled fish took place to Quebec. From Arichat, situate on the sea-board at the entrance of the Gulf of St. Lawrence, and selected by many of your Majesty's loyal subjects, merchants of your Majesty's Island of Jersey, as a residence for themselves or agents, an extensive trade has always been carried on to the Mediterranean, South America, the British West Indies, Great Britain, the Canadas, Spain, and the United States.

While the House of Assembly do not conceive it to be necessary or expedient that the expense of warehousing should be incurred in other ports, except circumstances or the policy of your Majesty's Government render it absolutely necessary, the House of Assembly at the same time distinctly announce that, as well with regard to all the ports hereinbefore mentioned, as to the following, viz. the ports of North and South Sydney, Shelburne, New Edinburgh, Barrington, Argyle and Guysborough, if no alternative is presented to them but that of their ports remaining as at present, closed to the fair trader but free to the smuggler, or open to foreign vessels as well as our own, the House is prepared to accept the latter, and humbly pray this boon from your Majesty. Already, by the operations of the fair trader and of the smuggler, our province is filled with such of the productions of the United States of America as they can manufacture at a lower rate than Great Britain ; already the vessels of that republic clandestinely frequent our outports, exchange foreign productions with their inhabitants for their fish, their lumber, their gypsum, and their grindstones. If American vessels were allowed to bring their flour, &c. to our outports, take in return our gypsum, &c., the House of Assembly conceive that our vessels would also take our productions to their ports, and bring back their own to our ports, unless our people are unequal to those of the neighbouring states in skill, in industry, economy and enterprize, which the House of Assembly cannot admit ; and it will be conceded that occasionally, if not generally, the American vessels would bring specie wherewith to purchase their return cargoes.

The House of Assembly, with reference to the increased expense of the extension of trade now sought for by the province, humbly refer your Majesty to the address, and the documents to which it refers, which was forwarded to your Majesty during the last year. And conceiving, as the House of Assembly do, that in the contribution by the Act, by which 6,430 *l.* 9 *s.* sterling are granted to the support of the customs of the colony, it pays more than its fair proportion of the necessary expense of the establishment, and moreover, that if this sum were judiciously distributed, it is of itself sufficient to extend to the province the facilities now besought ; would further humbly crave your Majesty's attention to the impropriety of applying towards its support, the produce of what are usually denominated the old Crown duties, and which are made specifically applicable to the military defence of the colonies, by the Act of Parliament under which they are levied. Although this Act was passed anterior to the Act of Parliament of the 18th Geo. 3d, usually called the Magna Charta of the colonies ; yet it has always been held by the colonists,

that

FOREIGN TRADE OF NOVA SCOTIA.

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that the latter was but a recognition of the true principles of the constitution under which it is our happiness to live ; and that the application of the Crown duties to any purpose, without the authority of the Provincial Legislature, is a violation of those principles. But when, may it please your Majesty, your faithful Commons of Nova Scotia are informed, that the produce of these duties, annually amounting to about 1,800 *l.* sterling, is applied to defray the expense of an establishment, already, as the House conceives, sufficiently provided for by the colony, they cannot but pray your Majesty to direct that the amount of these duties be annually paid into the provincial treasury, to be applied, under the vote and authority of the Provincial Legislature, to the military defence of the colony, or in such other way in support of Your Majesty's Government, under the directions of the representatives of the loyal people of your Majesty's Province of Nova Scotia, as they may judge expedient.

In the House of Assembly,
15 January 1835.

S. G. W. Archibald,
Speaker.

— No. 3. —

ADDRESS from the HOUSE OF ASSEMBLY to THE KING'S MOST EXCELLENT MAJESTY.

The Humble Address of the House of Assembly of the Province of *Nova Scotia*, in Legislative Session convened.

MAY IT PLEASE YOUR MAJESTY :

THE House of Assembly again most humbly yet earnestly recal your Majesty's attention to the subject of their several addresses of the 29th March 1834, and the 15th January 1835.

The House of Assembly respectfully submit that the remission of the duty on foreign flour, although a measure in itself acceptable to the House, will not afford their constituents the relief which they seek.

It will not open to foreign commerce the ports which are now closed, nor will it diminish the burthensome expense of the customs establishment, if the policy of your Majesty's Government should require that those ports should remain as at present.

As regards the additional expense of numerous officers of the customs, which it is suggested will become necessary, the House of Assembly humbly submit that upon no principle of justice ought this consideration to induce your Majesty to withhold from your loyal people of Nova Scotia the relief they so earnestly desire.

This is apparent from the reasons set forth in the before mentioned addresses, to which the House humbly refer your Majesty, and to which, as this House respectfully conceive, no sufficient consideration has ever yet been given.

The House of Assembly therefore humbly pray that your Majesty will take the prayer of their constituents into your gracious consideration, and grant them relief in the premises.

In the House of Assembly,
8 March 1836.

(signed) *S. G. W. Archibald,*
Speaker.

— No. 4. —

ADDRESS from the HOUSE OF ASSEMBLY to THE KING'S MOST EXCELLENT
MAJESTY.

The Humble Address of the House of Assembly of the Province of *Nova Scotia*, in Legislative Session convened.

MAY IT PLEASE YOUR MAJESTY :

THE House of Assembly approach your Majesty with unabated sentiments of affectionate attachment, and beg leave to assure your Majesty that no one of your dependencies surpasses this your faithful province of *Nova Scotia*, in zealous devotion to your Person and Throne.

The House of Assembly beg leave humbly to inform your Majesty, that they have always evinced a readiness to concur with your Majesty's wishes, in making what they have deemed an ample and compensatory provision for the various public functionaries of your Majesty in this province; and they would humbly submit that your Majesty possesses not any subjects more disposed or capable of devoting themselves with fidelity and zeal to serve your Majesty in those several branches of the public government. Thus impressed, the House of Assembly cannot abstain from expressing the regret with which they find that your Majesty's subjects in this province are studiously overlooked in the selections to fill places, however inferior and subordinate, in the department of your Majesty's customs, established in this province, notwithstanding they so amply support the same.

The House of Assembly would suggest the necessarily discouraging influence which such a partial system of patronage must create in repressing a spirit of improvement among the youth of the province, and in extinguishing those stimulants to qualify themselves by study and attention for offices of a public nature, which a knowledge of their being accessible always produces.

The House of Assembly have seen with pleasure a recent instruction of your Majesty to the Lieutenant-governor of Upper Canada, by which your Majesty is graciously pleased to express your commands that for public employments natives and settled inhabitants should be selected, with occasional exceptions; a proof, as is therein alleged, of your Majesty's settled purpose to exercise your prerogative for no other end than the good of your colonial people. The House of Assembly humbly solicit an extension of the same gracious intentions to your subjects of this province, and your Majesty may feel assured that among no other class of your subjects can your Majesty command the services of a people more devoted to those principles which sustain the power and the dignity of your Throne.

In the House of Assembly,
15 March 1836.

(Signed) *S. G. W. Archibald*,
Speaker.

NOVA SCOTIA.

COPIES of the ADDRESSES of the HOUSE OF
ASSEMBLY in *Nova Scotia*, to HIS MAJESTY,
on the FOREIGN TRADE of that Colony, &c.

(*Mr. Hume.*)

*Ordered, by The House of Commons, to be Printed,
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